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U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, Chief

RURAL CHILDREN  
IN SELECTED COUNTIES OF NORTH CAROLINA

BY

FRANCES SAGE BRADLEY, M. D.

AND

MARGARETTA A. WILLIAMSON

RURAL CHILD WELFARE SERIES No. 2

Bureau Publication No. 33



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LETTER OF TRANSMITTAL.

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U. S. DEPARTMENT OF LABOR,

CHILDREN'S BUREAU,

*Washington, September 25, 1918.*

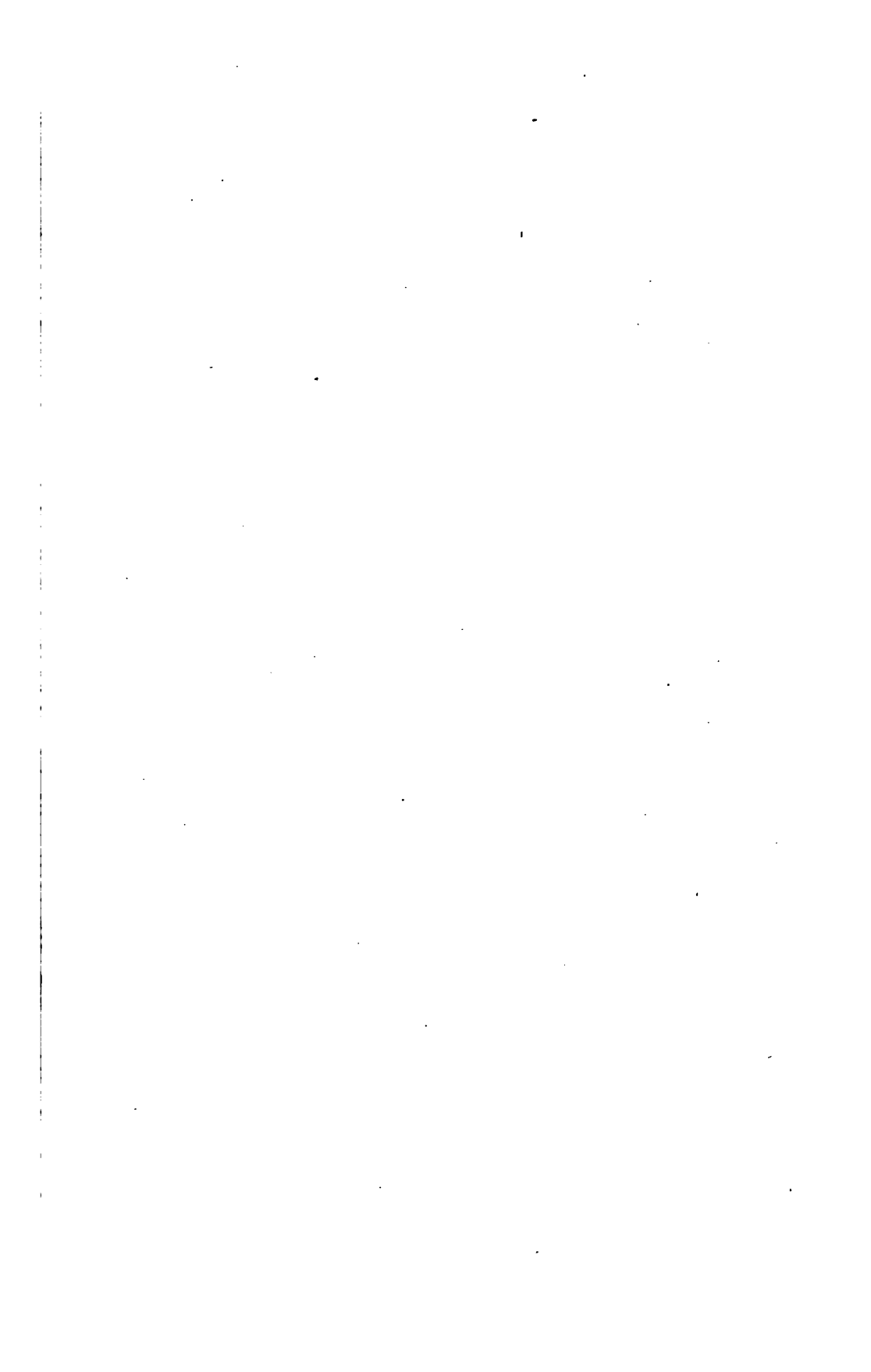
SIR: Herewith I transmit a report entitled "Rural Children in Selected Counties of North Carolina." This study was made at the request of the North Carolina State Board of Health in cooperation with State and local authorities and volunteer organizations. The purpose was to secure information as to the rural child—his well-being, surroundings, needs, and opportunities.

The study was under the direction of Dr. Frances Sage Bradley with the assistance of Miss Margaretta A. Williamson.

JULIA C. LATHROP, *Chief.*

Hon. WILLIAM B. WILSON,

*Secretary of Labor.*



# RURAL CHILDREN IN SELECTED COUNTIES OF NORTH CAROLINA.

## INTRODUCTION.

This inquiry into the conditions surrounding rural children was undertaken with the purpose of studying at first hand the everyday life of the rural child of the South, at home, at work, at school, and at play—his health, environment, needs, and opportunities. Since three-fifths of the children of the United States are rural children, it is obvious that the problems of the rural child must meet with careful consideration in any program of child conservation.

At the request of the State board of health it was decided to conduct the study in North Carolina, which may fairly be considered a typical Southern State, with its characteristic population, customs, climate, soils, and crops. The inquiry was necessarily confined to definite and limited areas, and an effort was made to choose sections representative of rural conditions in different parts of the State.

North Carolina is clearly divided into an eastern coastal plain of low-lying land, intersected by many streams, partly swamp land but mainly sandy and fertile loose loam soils; a central or piedmont region of higher altitudes and a greater variety of fertile soils;<sup>1</sup> and a western or mountainous region in the heart of the Appalachian system. Cotton raising is the leading industry of the coastal and piedmont regions; in the mountains little crop farming is done and the chief dependence of the people is live-stock raising and the development of timber interests.

A lowland county, lying at the junction of the coastal and piedmont sections, was selected as representative of conditions in the cotton belt, and a mountain county in the extreme western part of the State was chosen as a typical mountain county embodying characteristics not only of western North Carolina, but also of other mountainous sections of the Southern Appalachian system.

The inquiry was initiated in the lowland county by a children's health conference and a child-welfare exhibit at the county seat, and followed by a series of conferences in each township of the county.

Following the children's health conferences an intensive detailed house-to-house study of the children was made in one rural township of the lowland county (in the cotton belt), and in three smaller rural townships of the mountain county.

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<sup>1</sup> Thirteenth Census of the United States, 1910, Vol. V, Agriculture, p. 895.

In the townships chosen every home in which there was a child under 16 was visited; the survey included in the lowland county township 127 white families with 340 children, and 129 negro families with 404 children under 16; in the three townships of the mountain county 231 white families with 697 children under 16 were visited. The inquiry, which was made in 1916, covered a period of approximately three months in each county. During this time the bureau agents lived in homes in the townships visited rather than maintaining headquarters at the county seat, in this way gaining a somewhat fuller experience of particular rural conditions and problems than could otherwise have been possible. In the lowland county a Ford car was used for travel; in the mountains, owing to the condition of the roads (with the exception of the main road to the county seat), the agents rode horseback.

Whenever possible the mother was interviewed, otherwise the father, grandmother, or other nearest relative. Information was obtained concerning various phases of child care, together with a comprehensive history of each family in its relation to the well-being of the children of the family. The questions covered the number of children the mother had borne; the number lost, with the causes of their deaths; the mother's prenatal, obstetrical, and postnatal care; distance from physician; nursing care; infant feeding; diet of older children, their physical condition, education, work, and recreation; the mother's household and farm duties; and the housing, sanitation, and economic status of the family.

The inquiry was confined to normal children, no attempt being made to cover dependency, delinquency, illegitimacy, or other problems of abnormal children except a brief survey of State facilities for their care.

Certain phases of child welfare were covered by supplementary studies. Information as to the neighborhood midwives of the four townships was obtained by visiting every midwife who had attended a case within the past five years; a test of birth registration was made and also a brief survey of school facilities in the townships covered.

During the course of the inquiry, various State and other organizations—the State board of health, State board of education, State university, State Normal and Industrial College, States Relations Service of the United States Department of Agriculture, and the staff of an important farm journal—were most helpful in their cooperation, assisting in choosing the counties to be studied, in planning the work, and helping to assemble material for the report.

Local officials and organizations in the counties chosen—the county physician, county superintendent of schools, county medical society, women's clubs, and the press—also showed an active interest in the inquiry and gave every possible assistance.

The success of such an inquiry necessarily depended upon the good will of the community, especially of the families interviewed. Mothers in the sections visited showed the same desire to secure the best possible results in rearing their children and the same cordial interest in the efforts of the Children's Bureau to study the problems of childhood that have been found elsewhere. A friendly, hospitable reception was accorded at every home, both mothers and fathers giving every possible assistance. In fact notes, messages, and remonstrances were sent by mothers whose homes had not yet been reached and who feared they might be overlooked. At one home a note was found pinned to the front door, directing the agents to the field where the mother would be found at work.

The results of the inquiry fall under the five following heads: (1) Children's health conferences, (2) and (3) the survey of conditions surrounding children in the lowland and mountain counties, (4) summary and conclusions, and (5) the State and its relation to child welfare (see Appendix, p. 101).





## **PART I.**

### **CHILDREN'S HEALTH CONFERENCES.**

The children's health conferences, held first at the county seat and later in rural sections, were a series of consultations of physicians with mothers concerning the physical development of their children and were in charge of a physician from the Children's Bureau.

The purpose in view in holding the conferences was (1) to call the attention of mothers to methods of improving the condition of their children, (2) to demonstrate to the communities the value of periodic examination and sustained supervision of young children, and (3) to stimulate local authorities to various forms of follow-up work as suggested by the conference.

#### **CONFERENCE AT THE COUNTY SEAT.**

The conference met with a cordial response from local organizations. The mayor, clergy, school officials, and other prominent citizens offered every possible assistance. The civic association, the county medical society, local hospitals, and other organizations gave practical expression of their interest in the work.

Ample publicity was obtained through the courtesy of the State and local press, which gave generously of their space; also through the health bulletins of the State board of health. A letter addressed to all mothers of young children was sent through the cooperation of schools into every home where there was a child. Attractive cards announcing the conference appeared in the windows of schools, churches, stores, railway stations, and elsewhere. Notices announcing the conference and inviting mothers to bring their young children to it were read from every pulpit. To attract the school children, a prize of a five-dollar gold piece was offered by the Children's Bureau for the best composition written by a child under 12 on the conference and its accompanying exhibit.

The conference at the county seat was held at a rest room maintained by the civic association for the use of rural women from the surrounding country when they come to town to do their Saturday's shopping. It extended over 10 days, including two Saturdays, in order to reach as many as possible of the rural women. After the conference for white children, one was held for negroes in an assembly hall of their own, with negro doctors and nurses assisting the Children's Bureau physician.

Children under 6 years of age, brought by their parents, were examined by a physician of the Children's Bureau or by local physicians. Each child was weighed, measured, and examined, and the mother given a record of his present condition with written suggestions for his improvement; when necessary the mother was urged to take the child to her own or the best available local physician. The examinations were conducted in view of the audience, that the mothers might observe and profit by the practical demonstration, but with a partition of netting separating the examining room from the audience, to protect the child from the crowd and confusion beyond.

It was made clear that the conference was neither a contest nor a clinic. No prizes were offered, and there was no other incentive than the desire of parents for finer children; nor were sick children admitted, or those recently exposed to communicable diseases. The conference was intended rather for the average child who though apparently well is yet rarely free from defects which may often be corrected if discovered in time.

Accompanying the conference was a child-welfare exhibit of material, part of which had been prepared by the Children's Bureau and part loaned by various organizations or constructed (under the direction of the agents of the bureau) by local women's clubs. A set of panels covered such subjects as prenatal care, infant care, infant mortality, and the visiting nurse. A series of charts on flies, typhoid fever, and malaria was loaned by the State board of health and one on the care and eruption of teeth by a local dentist. Models added greatly to the value of the exhibit. An electrical device showing the infant mortality of the State was loaned by the State board of health; in a village of 100 miniature homes lights went out, one by one, as babies died, showing the infant mortality for the State. Another electrical model warned against the danger of "doping" the baby. A sleeping basket, bathing equipment, and suitable clothing for the baby of a family of limited means were shown; also a homemade playing pen and simple homemade toys. In a glass case was displayed a home with flies and mosquitoes breeding in the neglected back yard and outhouses. A homemade fireless cooker, iceless refrigerator, and flytrap were loaned by the home demonstration agent of the Department of Agriculture.

The care and preparation of modified milk for the baby was demonstrated by a nurse from a local hospital, and a representative of the home economics department of the State Normal Industrial College demonstrated food values and the preparation of food for the growing child.

In a series of informal talks, the physician of the Children's Bureau discussed with the mothers such subjects as prenatal care, obstetrical care, care of the baby and the young child, care of the sick child, school lunches, medical inspection of the schools, and the value of a visiting nurse.

Through the courtesy of the local moving-picture houses a Children's Bureau film, "A Day in a Baby's Life," was shown; also public-health slides loaned by the State board of health and other organizations.

The attendance at the conference was drawn not only from the county seat but from the surrounding country as well, farmers leaving their fields in the midst of the busy plowing and planting season and driving 12 and 15 miles to bring their children for examination. Doctors came with small patients, parents brought children, and teachers came for help with their problems. A number of mothers and babies were brought into the conference each day from a near-by mill village by the manager of the mill. One father at first thought the conference only an excuse for the mothers to go to town and refused to have his child examined, but when he saw the record given his brother's child he insisted that his own son be brought for examination. The mothers admitted that they carried their babies' records around in their pockets and compared notes at leisure moments.

The attendance often taxed the accommodations to the utmost, and the increasing number of children brought for examination was perhaps the best evidence of its growing hold upon the public. One hundred and forty children were examined at the white conference and 49 at the conference for negroes. The value of the conference, however, can not be measured wholly by the number of children examined. Not only those who brought children for examination, but also many others—children and adults—were in attendance; and the interest they displayed in all that was said and done can but lead to good results.

### CONFERENCES IN RURAL COMMUNITIES.

After the conference at the county seat, each of the 12 townships of the county was visited and an afternoon or evening conference held. In 1 township, because of the crowd, it was necessary to repeat the white conference; and in 2 townships a second one for negroes had to be arranged; in all, 27 rural conferences were held, and, in addition, 4 in small mill villages.

As a rule the district school was the chosen meeting place, though occasionally the church was selected when it was more centrally located or would better accommodate the crowd.

As at the county seat, the conference was cordially received in rural communities, preachers, teachers, doctors, and other leading citizens all assisting in every possible way. Several ministers came repeatedly to ask that their districts be included in the circuit. More than one good negro meeting was due to the efforts of the negro midwife. Like the preachers and the teachers she is an autocrat in her community, and mothers naturally shy about bringing children for examination would obey her arbitrary summons. One was heard to insist that the mother "take that child to the doctor and see what makes her have sore eyes." (At a later private interview this midwife was urged to write to the State board of health for a proper solution of silver nitrate with instructions for its use.)

In a preliminary visit to the townships, prominent persons had been consulted in regard to convenient dates and places for conferences. Window cards had been placed in the windows of country schools, churches, and stores, or tacked to conspicuous trees. Notices had been read in schools, churches, and Sunday schools. In one community publicity had been secured by a flourishing woman's club. For the most part, however, the news traveled by word of mouth—the usual medium of communication in rural districts.

The rural conference differed from that held in the county seat only in size and in the ability of the agents to meet the mothers on a more intimate footing in their own immediate neighborhood than in the more formal town conference. The mothers felt freer to ask questions and compare experiences with their neighbors and friends.

Although it was obviously impossible at the rural conference to use the original exhibit previously described, with its electrical devices, a small traveling exhibit of miniature models was shown, covering the essential points of the care of the young child—his bathing, clothing, sleeping, and feeding. Most of the time was spent in examining the children and demonstrating methods (and results) of applying well-known principles of hygiene, within reach of every woman. At night meetings, using a simple acetylene equipment, slides were shown which, with a short informal talk, never failed to arouse interest.

Considering the sparsity of the population—many families not having a neighbor in sight—the attendance was most unexpected. Twenty-seven conferences were held with an average attendance of 78 at the white and 87 at the negro meetings. Twenty-two hundred and six rural persons were reached, exclusive of those attending the conferences at the county seat, and 162 children were examined.

As at the county seat, the audiences included all classes. There were represented the children of the prosperous planter, of his tenant, and of his day laborer. Many were brought by parents for advice in regard to feeding problems; others came with a physician who

wished to confirm a diagnosis. At one meeting two adopted children were brought by their foster mother. On the way from a rural conference a father signalled the agents, as they drove past his house (apologizing, as he said, for "flagging the train") and begged their advice concerning his little lame boy who could not be brought to the conference. At a negro meeting, a colored elder who had come too late for the "scenery" (stereopticon slides) but in time for the talk, expressed his appreciation of the work being done for his race. In their enthusiasm the negro audiences often refused to be dismissed, and were left to discuss the new doctrine after the close of the meeting. Following one of these conferences, a mother and her two children who had missed the meeting the night before were found at the door the next morning waiting to have the children examined before the agents took an early train.

### RESULTS OF THE CONFERENCES.

The results of the conference were seen on every side. Mothers were made more observant and more critical of their children and a general stock taking by the mothers of this section followed. A father who had brought a poorly developed child to the conference was heard to say several weeks later, "My wife couldn't go, but I went and took it all in, and we're raising our baby like the doctor said." Parents who had brought a child to one conference would often appear at a neighboring conference with a second or third child of their own or one of a neighbor's. Following the conference, many children received the attention of dentists and throat specialists; and others, whose needs had previously not been recognized, were brought into touch with their family physicians.

Many practical evidences of the work were seen in driving through the country. Babies heretofore kept indoors were found sleeping on the porch or out under the trees in homemade cribs. Mothers showed with pride their own or their husbands' modifications or adaptations of models seen in the exhibit. Playing pens, homemade toys, fireless cookers, iceless refrigerators, and flytraps were made by many. An ambitious teacher who was developing a domestic science department for mothers and young girls had reproduced in her school models seen in the exhibit.

The agents also indorsed the project of installing an incinerator at the county seat for the disposal of garbage and waste. The incinerator has now been in operation for over a year and is helping to convert an attractive town into one that is also healthful and sanitary.

During the conference of the Children's Bureau at the county seat the agents had an opportunity to join in an effort to crystallize public opinion upon the value of a visiting nurse. So convincing were the

results of the first few weeks of this nurse's service, that after the negro conference the negro population secured pledges of almost the entire salary of a negro nurse, the white people supplementing the amount.

The response to the conferences in rural sections showed how eagerly the services of a public-health nurse for rural districts of the county would be welcomed. Such conferences as were held by the Children's Bureau, chiefly as demonstrations, might be held at intervals by a public-health nurse, as a part of her routine. Informal talks with the mothers at the conferences also revealed certain particular needs of the community which a public-health nurse would be able to meet, such as prenatal care and assistance at confinements, advice as to the care and feeding of the young child, examination of school children for physical defects with follow-up visits in the homes to make sure that the necessary treatment is secured, and the education of the community in the importance of hygiene and sanitation.

The children's health conferences proved a successful means of introducing the inquiry of the Children's Bureau in the State and secured the interest of various organizations to whose helpful cooperation the bureau is indebted for much of the material contained in this report.



PLATE I.—AT THE CHILDREN'S HEALTH CONFERENCE.



PLATE II.—A CHILDREN'S HEALTH CONFERENCE AT A NEGRO CHURCH.

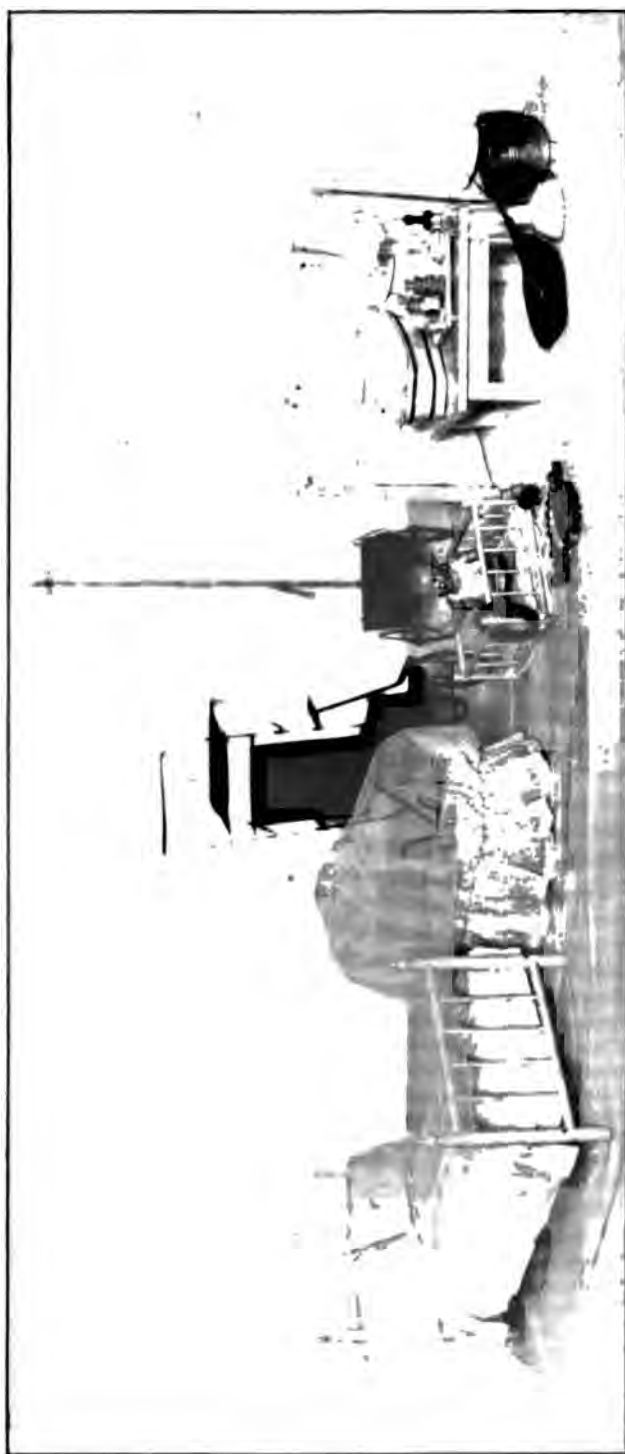


PLATE III.—THE INFANT-CARE EXHIBIT IS ALWAYS POPULAR.





**PLATE IV.—A HOMEMADE PLAYING PEN—COST, 40 CENTS.**



**PLATE V.—OUT-OF-DOOR BABY IN A HOMEMADE CRIB.**



PLATE VI.—GOOD SAND-CLAY ROAD THROUGH THE PINE WOODS.



PLATE VII.—COTTON IS THE "MONEY CROP" IN THE LOWLANDS.



PLATE VIII.—SANDY PLAINS OF THE LOWLAND COUNTY.



PLATE IX.—TIMBER LANDS ARE FAST DISAPPEARING.



PLATE X.—A PROSPEROUS PLANTATION HOME.



PLATE XI.—A NEGRO TENANT'S CABIN WITH DAYLIGHT SHOWING BETWEEN THE LOGS.





**PLATE XII.—DRILLED WELL CONVENIENTLY NEAR THE HOUSE.**



**PLATE XIII.—THE DANGEROUS OPEN DUG WELL.**



PLATE XIV.—A THREE-TEACHER WHITE SCHOOL.



PLATE XV.—NEW ONE-TEACHER NEGRO SCHOOL.

## PART II.

### THE LOWLAND COUNTY SURVEY.

During the course of the rural conference local citizens were consulted in regard to the characteristics of the various townships of the county, and a township thought to be a typical rural section of the cotton belt was chosen for intensive study.

#### CHARACTERISTICS OF THE TOWNSHIP.

The township lies 6 to 14 miles from the county seat, which is the nearest town, and consists of open country along the bank of a broad swift stream. The land is low, level, and, except along the river bottom, is sandy and porous. The soil, debilitated by years of exclusive cotton growing, demands heavy and expensive fertilization in order to produce a good yield.

The climate is warm and humid, with the long summers especially adapted to cotton raising. The Weather Bureau records for the county seat, over a period of 28 years, show a mean temperature of 44° in January and 79° in July, with a minimum of -5° and a maximum of 103° for the year.

Farming is the chief industry and is pursued under a system of tenancy. Good water power is utilized only for small grist and saw mills. Great piles of sawdust mark the site of mills which have cut out most of the timber, and the forests have given way largely to farms.

The township has two main roads of sand-clay construction, maintained in good condition, which lead to the county seat. The other roads, however, are for the most part neglected; so also are the bridges, except one of steel construction. There are no railroads within the township. Rural free delivery of mail is available for all the families, and a few homes have telephone connections.

The history of the township dates back to the colonial period when the Cape Fear section was settled by Scotch Highlanders.<sup>1</sup> The Scotch strain and a preponderance of Scotch names have persisted in this section down to the present time. There has been practically no immigration of other nationalities and the population is uniformly native-born American, about evenly divided between the whites and

<sup>1</sup> McLean, J. P.: *Scotch Highlanders in America*, p. 102. Helman-Taylor Co., Cleveland; John Mackay, Glasgow, 1900.

negroes. The county has a rural population density of 27.9 persons to the square mile,<sup>1</sup> which also probably approximates the population density of the township. It is a considerably more thickly settled area than the average rural section in the United States, which has a density of 16.6 persons to the square mile,<sup>2</sup> but is more sparsely settled than the rural sections of the South Atlantic States for which the average rural density is 33.8.<sup>3</sup>

## FINDINGS OF THE SURVEY.

### ECONOMIC STATUS OF FAMILIES.

#### Land tenure.

The families in the neighborhoods visited fall roughly into three distinct social economic groups—landowners, white tenants, and negro tenants. Approximately three-fifths of the white families are owners of the land on which they live; of the negro farmers, only one in four is a landowner. Various systems of tenancy are found, the "half-share" basis being the most common. This is an arrangement by which the tenant and the landlord each gets half the crop; if the landlord supplies the stock, he and the tenant each furnish half the fertilizer; where the tenant supplies stock, the landlord furnishes all the fertilizer.

By far the majority of tenants are "croppers," rather than cash or standing rent tenants; an occasional family, however, pays rent outright—usually in cotton at the rate of one 450-pound bale of lint cotton for 12 acres of land under cultivation.

#### Crops and acreage.

The average farmer confines his operations to the raising of cotton and corn and a garden patch. Some also have a small acreage in tobacco, peas, small grain, peanuts, or sorghum cane. Cotton is the money crop and this section of the country, like other parts of the South, is suffering from an overcultivation of cotton at the expense of food and feed crops.

The country visited has a soil well adapted to cotton raising, except for a small area of sand hills. Cotton production per acre averaged seven-tenths of a bale on the white farms visited and three-fifths on negro farms.

Little produce is sold except cotton and cotton seed, and, rarely, tobacco, corn, stock, butter, chickens, and eggs. One of the most successful farmers of the township, however, makes it a rule to support his family on crops other than cotton, saving the profit on cotton always for enlarging his farm business. He finds it better to plant more corn, beans, etc., rather than cotton alone, which varies more in price than any other crop.

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<sup>1</sup> Thirteenth Census of the United States, 1910, Vol. III, Population, p. 296.

<sup>2</sup> Thirteenth Census of the United States, 1910, Vol. I, Population, p. 55.



About half the white and over four-fifths of the negro farms of the township are "one-horse" farms, with approximately 25 acres in cultivation—often 15 in cotton and 10 in corn. With cotton production averaging well under a bale an acre, the limited one-horse crop is a poor dependence at best, even when operated by the farm owner who gets the whole of the crop made; when operated by a tenant on half shares, the family money income may dwindle to four or five bales of cotton, with a total cash value (at the time of the inquiry) of from \$200 to \$300.

#### **Cost of cotton production.**

Cotton is an expensive crop to produce; due to lack of a crop-rotation system, a good yield is impossible without heavily fertilizing the land. One ton to every 3 acres is the rule, which with fertilizer at \$28 and \$30 a ton at the time of the inquiry represents a considerable investment. Moreover, it is a handmade and not a machine-made crop, and labor is an appreciable item; help hired for "chopping" and picking cotton amounted to something like \$6 or \$7 a bale at the time of the inquiry. Ginning added another \$2 a bale if ginned in town, \$2.50 if at one of the neighborhood gins.

#### **Credit systems.**

The average farmer begins the season heavily in debt for his fertilizer which he buys "on time," payable in the fall of the year after the crop is made. Where a tenant is making a crop, the landlord gives his note for the fertilizer and the tenant settles with him at the end of the year; also, the average tenant family has to be "carried" by merchant or landlord for groceries and provisions used during the spring and summer. By the time the crop is gathered at the end of the season, its money value has been largely anticipated, and the clear profit remaining after the debts incurred during the farm season have been paid off leaves but a slim financial support for the family during the coming 12 months. "We feel rich after the crop is sold," one farm tenant expressed it; "rich till we get to the people we owe."

That the various systems of credit in the purchase of groceries and small goods are working to the detriment of the community is the opinion of many in the neighborhood. Some families, of course, pride themselves on always paying cash; others pay cash through the autumn and winter as long as the family income holds out and then buy "on time," payable with 6 per cent interest in the autumn after the crop is made. Chickens and eggs, and occasionally other produce, are traded at the country stores. The landlord usually keeps a commissary where such supplies as meat, corn meal, rice, sugar, sirup, coffee, snuff, and tobacco may be had and charged to the tenant at the same rate of interest he would pay at the country store. These accounts are long-time credits, payable in the fall of

the year. Aside from the interest on the account, the time price is almost invariably higher than the cash price. A farmer who had bought "on time" last year is trying to pay cash this year, for from one-fourth to one-third is added to the price when he buys on time. For instance, he had bought a sack of "shipped stuff" on time for \$2.50; on the same day at the same store his father bought a sack for \$1.60 cash. Another farmer finds it cheaper to borrow money to carry him through the summer, about \$50 at 10 per cent, than to buy "on time," paying 25 cents more on the dollar besides the 6 per cent interest when the bill is paid in the autumn. Sometimes a crop lien, or written contract with the crop as security, is required before the merchant will "run" a customer; often, however, the agreement is by word of mouth if the merchant feels reasonably sure of getting his pay. The negro farmer, more commonly than the white, buys on credit and suffers particularly from the high credit prices; a crop lien, too, is more likely to be required of him. One man explained that since the legal rate of interest is 6 per cent, only 6 per cent appears on the note, but, in addition, one pays about 10 cents on the dollar more for supplies bought on time. A negro woman who "owes out" about \$20, pays 10 per cent—6 per cent interest and 4 or 5 per cent "what they call premery" (premium).

Another who had made 7 bales of cotton on half shares had no idea how much it brought, for the landlord took it all, including the seed, to square her debts. One negro family got supplies from the landlord's country store; they turned over all their cotton and seed to him; he settled with them in February and gave them \$50 as their share of the crop (they had made  $9\frac{1}{2}$  bales of cotton on half shares and the landlord had supplied them with flour, sugar, "strip meat," and rice). "When fall comes, there's not much in it for you," said one tenant. The tenant family rarely keeps an account of its expenditures, depending upon the records in the landlord's books.

The installment plan, though in many ways filling a real need, also adds to the financial burden of many families because of the higher prices charged for installment purchases. Sewing machines are often bought in this way, also stoves, crayon portraits, books, and even medicines from the patent medicine man on his monthly rounds. A \$25 sewing machine, at \$2.50 down and \$2 per month, costs the family \$40 to \$50. A mule is almost invariably bought on the installment plan; few families can afford the expense of paying outright the \$250 to \$300 cash price. Cooperative buying in this township, except in a few isolated cases, is practically unknown.

**Crop disposal.**

Cotton is usually marketed at the county seat, 6 to 14 miles away; tobacco is shipped to several points where it brings a better price than on the local market. Often the landlord buys his tenant's crop, almost invariably in the case of negro tenants. He can afford to hold his cotton for higher prices while the tenant must sell immediately to pay his debts.

**Farm labor.**

Among the tenant farmers, after a man has finished working his own crop, he, and sometimes his wife and children also, hire out for a few days at farm labor, to supplement their scant income. Farm labor, at the time of the inquiry, was poorly paid, 75 cents a day for a grown man, 50 cents for a grown woman, and 25 to 50 cents for children. Cotton picking is piecework, paid at the rate of 50 cents per 100 pounds picked, with 200 pounds per day as a good average.

**HOME CONDITIONS.****Housing.**

**WHITE FAMILIES.**—The children's home environment varies widely according to the social and economic status of the family. The typical home of the prosperous planter is a big, comfortable farmhouse, with a generous brick fireplace at each end—a traditional southern home, with its large cool rooms, deep verandas, fine trees, sturdy old scuppernong vines, and, in the distance, well-kept cotton fields.

The tenant's children are not so well provided for. The average tenant family occupies an unpainted, clapboarded cottage of four small rooms, ceiled inside but not plastered, often with no shade around the house—a hot, sandy little plat of ground. One family of tenants visited lived in a little rough shack in the midst of the woods, with insufficient cleared space around the house to admit any breeze. Flies, mosquitoes, and gnats were numerous though the family kept a bucket of pitch burning on the porch. Another tenant cottage—a rude shack of upright boards—is the home of father, mother, and five small children; the mother called it "shanty-ing" and was anxious to move in the autumn. "The crop is too inconvenient, the water is bad (a dug well, open and unprotected, and only 12 feet from the house), the crib's too near, and there's a pond back there," summed up her objections to the place.

The farm tenant frequently moves from farm to farm in the hope of bettering his poverty-stricken condition, but usually not straying far from the neighborhood where he was born. The unstable nature of his tenancy and the lack of any permanent interest in his surroundings discourage any attempt on his part to improve his cottage or its grounds.

The sawmill hand is even more of a will-o'-the-wisp, moving constantly as the sawmill exhausts the surrounding timber. A mother whose husband "followed the sawmills" complained that "it was move every time the wind blows; if I was to say 36 times since I was married, I wouldn't miss it."

**NEGRO FAMILIES.**—Negro housing accommodations are almost uniformly poor. The commonest type of negro home is the old-fashioned log cabin of one, two, or three rooms, daylight showing between the logs. Such a house is hot and stuffy in summer with the sun beating in, while in winter it is almost impossible to heat it, even with the cracks chinked with mud and a roaring fire in the open fireplace. A cabin like this leaks in stormy weather and leaves the floor damp for a day or two afterwards. There is usually some attempt at decoration, gay-colored chromos, crayon portraits, and ornaments of various sorts within and flowers without on every side—four-o'clocks, sunflowers, weeping Mary, and tiger lilies. Rooms are incredibly small and stuffy, with low ceilings; often a cabin originally one-roomed has been cut up by thin partitions into two, three, or even four tiny rooms. Some cabins are windowless, many have windows without glass panes, heavy solid wood shutters taking their place. A number of negro homes were badly crowded for space; one-fourth of the families visited had five or more persons to a sleeping room. At one home, a small room, half the original room, with no window and absolutely dark, contained two beds where five persons slept. In another cabin an entire family of 12 slept in one large room with a curtain stretched from side to side.

### **Sanitation.**

**PRIVIES.**—Sanitary conveniences are deplorably lacking at many white as well as negro homes. More than half the white families visited had no toilet of any description on their premises. One family of tenants explained that there had been a privy on the place when they came, but it was so filthy that it had to be torn down; another tenant, who upon moving into the present house had obtained a promise from the landlord to build a privy, had already lived there a year without one. More than one family frankly prefers to have no privy, disliking the idea of accumulated filth and not appreciating the dangers of soil pollution. Many families, however, recognize the importance of the privy in safeguarding the family health. Where a privy is present it is commonly of the open-in-back surface type, usually dependent upon the scavenging services of chickens and hogs, which have easy access through the open back; occasionally the privy is built on the side of a hill with the contents draining into the "branch." Some families, however, have the privy cleaned and the contents buried with reasonable frequency, and some attempt disinfection by the use of lime, dirt, sulphur, or wood ashes.

Four-fifths of the negro families visited were without a privy; often where there was one it was not in use, so little was its importance understood as a sanitary precaution against disease. "Yes'm," said a negro woman, "there's one there, but nobody uses it but company." One family "never fools with one; if you use it you have the bother of keeping it clean." A negro woman with higher standards, however, induced her husband to build one for her, though she was the only member of the family who desired it or ever used it.

**WATER SUPPLY.**—Although only one of the homes visited had a pump and sink inside the kitchen, white families were as a rule provided with a drilled well and iron pump within a few feet of the kitchen door. This type of well is usually satisfactory, the iron pipe protecting the water from contamination; occasionally a drilled well gives bad water because it has not been drilled to a sufficient depth.

Twenty-two of the 129 negro families and an occasional white family were dependent upon the dug well—not only open and unprotected from dust and dirt but also exposed to contamination from drainage, a particular risk in a neighborhood so lacking in sanitary conveniences. One tenant family carried water from the drilled schoolhouse well; they have an open well in the yard, but the water is not good. One negro woman had entire confidence in her own method of purification. "I put me a fish in the well and he cleanses the water," she said.

The State board of health, in its pamphlet on "Plans for Public Schoolhouses," comments upon the dangers of the open-topped well:

Open-topped wells are always dangerous and should never be used. During the course of a single year a tremendous amount of dirt, leaves, bugs, and other insanitary material gets in open-topped wells. Sometimes toads, lizards, snakes, and small domestic animals find their way into such wells. A good iron pump is infinitely safer than chains or ropes and buckets. In the case of open-topped wells the buckets, chains, and water in the well are very frequently polluted by dirty hands.<sup>1</sup>

Only an occasional family uses spring water, for springs are uncommon in this section of the country. A negro family carried water from a spring one-eighth of a mile away; it is not only far from the house but evidently unfit for use, being full of decaying matter and in no way protected from surface contamination. Another spring gets so low that it had to be walled in with boards to make the water rise high enough to be dipped with a pail. Rarely one finds the old-fashioned well sweep, picturesque but insanitary, with its "old oaken bucket."

**FLIES AND MOSQUITOES.**—Flies and mosquitoes in this neighborhood constitute a real pest during the summer months. Flies are numerous because of lack of toilets; open-in-back, exposed privies,

<sup>1</sup> Plans for Public Schoolhouses, p. 33, issued from the office of the State superintendent of public instruction, Raleigh, N. C.

accumulations of manure, insanitary disposal of garbage and other refuse, and also because, in many cases, the stable and hogpen are located too near the house. Scattered ponds and some swamp lands are responsible for the prevalence of mosquitoes, which during the summer months make life almost unendurable after dark. Late in the afternoon a road through the woods can scarcely be traveled without a great branch as a weapon to beat off the mosquitoes.

The average family, white or negro, is without screens of any description. Only 19 of the white homes out of 127 visited, and no negro homes were adequately screened, i. e., with screens at both doors and windows. Several had screened the doors or the doors and kitchen windows. Fly paper and fly traps are used to some extent. Many families "smoke out" mosquitoes, using a bucket of smoking coals, pitch, or rags on the porch or doorstep.

**DISPOSAL OF WASTE.**—Garbage is fed to the hogs and chickens; other refuse is disposed of variously—burned by the more careful families, by others hauled off to the woods, thrown in the ditch, hauled to the swamp, swept out to the edge of the yard, thrown down an old well, hauled off to fill in low places, thrown in the thicket, burned around the iron pots used for boiling clothes, or thrown into a mill pond.

Manure is allowed to accumulate in the stables and constitutes a prolific breeding place for flies. "Most any day you can see the flies just a-weaving in that manure," said one mother; at this home every rain washes down into the manure pile, keeping it wet much of the time. It is usually removed only twice a year—spring and autumn—to be used as fertilizer for corn and potatoes. Aside from some half dozen farmers, who see to it that the manure pile is kept covered with straw, there is no effort at guarding against flies from this source. The State board of health in a leaflet on "Flies," for distribution in rural communities, advises having the manure hauled out and away from the stable regularly twice a week from April 15 to November 15, and once a week from November 15 to December 15, and from March 15 to April 15.

#### MATERNITY CARE.

The care of the mother during her pregnancy and confinement should be a matter of vital concern to any community. A recent bulletin of the Children's Bureau shows that in 1913 childbirth caused more deaths among women 15 to 44 years old than any disease except tuberculosis.<sup>1</sup> This bulletin further points out the close relation between the deaths of infants occurring in the first days and weeks of

<sup>1</sup> Meigs, Dr. Grace L. *Maternal Mortality from all Conditions Connected with Childbirth in the United States and Certain Other Countries*, pp. 7 and 9. U. S. Children's Bureau Publication No. 19, Miscellaneous Series No. 6, Washington, 1917.

life and the proper care of the mother before and at the birth of her baby; also the fact that each death at childbirth is a serious loss to the country, since the women who die from this cause are lost at the time of their greatest usefulness to the State and to their families. Moreover, the loss to the community occasioned by a failure to safeguard women at this time can be by no means adequately measured by the deaths occurring at childbirth. Many women endure a lifetime of ill health which they date from a particular confinement when for various reasons proper obstetrical and nursing care were lacking.

During the inquiry 79 white and 86 negro mothers—who had given birth to a child, live or stillborn, within five years previous to the agent's visit—were interviewed with especial reference to maternity care at their last confinement.

The early marriage age of the average rural woman of this section gives her a long childbearing period. Two-thirds of the white mothers visited had married at 22 years of age or younger, nearly half at 20 or younger; of the negro women, about three-fifths had married at 20 or younger—more than one-third at 18 or younger. Small families are uncommon in this section of the country, and it is the exceptional mother who has not borne a number of children. Approximately three-fourths (74 per cent) of the white mothers, married 10 years or more, and almost nine-tenths (89 per cent) of the negro mothers, had had six or more pregnancies.

The rural woman of this section has not yet realized that she is entitled to skilled attention in her confinement, and faces the perils of childbirth with undue serenity. Until the mother herself demands as her due (with her husband's recognition of the necessity for the expense) skilled medical and nursing care during pregnancy and confinement, there can be little hope of improved standards of maternity care for rural communities.

Lack of medical care was frequently mentioned as a serious drawback to country life. One young father wished "the Government would do something about it"; he thinks there should be at least one doctor in every township. That the Government should send medical experts through the country especially for women and children was the opinion of another who wanted to know why his wife has never been well since their second baby was born.

Although 27 physicians are resident in the county,<sup>1</sup> this is an inadequate medical service for a population of 33,719,<sup>2</sup> since it means an average of 1,249 persons to each physician, which is nearly twice the average—691<sup>3</sup>—for the United States. Moreover, since 19 of the 27 physicians are concentrated at the county seat,

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<sup>1</sup> American Medical Directory, 1916.

<sup>2</sup> Estimate of U. S. Bureau of the Census for 1916.

<sup>3</sup> Bulletin of the American Medical Association, Jan. 15, 1917, p. 114.

and the other 8 are scattered in small villages and through the rural sections, there is a decided lack of available medical service in various parts of the county. In the township covered by the survey no physician is resident, and the families are from 3 to 14 miles distant from the nearest doctor; not an excessive distance perhaps, but because of scant telephone connection and bad roads during part of the year the doctor is often inaccessible when sorely needed.

#### **Facilities for medical, hospital, and nursing care.**

The distance of the family from the physician is in many cases so great that medical assistance is called in only if the patient's condition is critical. Only 5 of the 127 white families visited and 15 of the 129 negro families were within 5 miles of a doctor; more than one-fourth were 10 miles or more from their nearest physician. Distance is not the only obstacle in obtaining a physician. A swift river, which must be crossed in a small bateau and which at times is impassable, forms a natural barrier, entirely cutting off the people of one community for part of the year from their nearest physician.

A strong county medical society has been in existence for some years and has been active in its support of public-health measures. Hospital facilities in the county are exceptional; there are two good general hospitals located at the county seat, one with 70 and the other with 25 beds. Each hospital maintains a training school for nurses.

A woman's club at the county seat is maintaining a public-health nurse, whose work at the county seat and in the surrounding mill villages has been so productive of results that a negro nurse for the negro population has recently been employed by that race. As yet, however, both nurses have confined themselves largely to the area adjacent to the county seat and little public-health nursing in rural neighborhoods has been attempted. The township of the survey is entirely beyond the territory covered by either nurse.

#### **Maternal deaths.**

The county had in 1916 an alarmingly high maternal mortality from causes connected with childbirth; 14 deaths (4 white and 10 negro) occurred during that year,<sup>1</sup> a rate of 41.5 per 100,000 population.<sup>2</sup> It is impossible to determine whether this rate is sporadic or usual, since mortality statistics for the State and its counties are not available earlier than 1916, when the State was admitted to the Census's area of death registration.

Moreover, in considering a small area and a small number of deaths, the rate is often misleading. However, with due allowance for error, mortality from causes connected with childbirth is exces-

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<sup>1</sup> Information supplied by the bureau of vital statistics, North Carolina State Board of Health.

<sup>2</sup> Based on an estimate of the U. S. Bureau of the Census in 1916 of 33,719 for the county.



sively high. The rate in this county (41.5) is markedly higher than in the mountain county (21.9),<sup>1</sup> or in the State as a whole (24.7),<sup>2</sup> and is nearly three times as high as the 1915 rate (15.2) for the entire death registration area of the United States.<sup>3</sup>

Analysis of the county maternal mortality shows that though the rate for white women (17.3) is slightly higher than the average for the registration area of the United States (15.2),<sup>3</sup> the high total rate for the county is due to the abnormally high rate (93.9) among negro women. This higher rate of maternal mortality among negro women is in accord with the rates for the total area of death registration for which, in 1915, the death rate from causes pertaining to childbirth was 14.6 for white women as contrasted with 25.9 for negro women.<sup>3</sup> Puerperal septicæmia (childbed fever), a disease recognized years ago as largely preventable, caused the death of two of the negro women.

It is only recently in this country that public attention has been directed to the high mortality from childbirth and to a consideration of its underlying causes. A bulletin of the Children's Bureau on Maternal Mortality finds that the fundamental factors responsible for the lives of women lost in childbirth in this country are "first, general ignorance of the dangers connected with childbirth and the need of skilled care and proper hygiene in order to prevent them; second, \* \* \* difficulties related to the provision of proper obstetrical care" <sup>4</sup>—a conclusion which is apparently true of this community as well as of the country as a whole.

### Prenatal care.

The necessity for supervision and care of the mother before the birth of her child is becoming recognized in cities and towns; in this community, however, prenatal care is negligible.

A fair standard for adequate medical prenatal care would probably embrace the following points:<sup>5</sup>

1. A general physical examination, including an examination of the heart, lungs, and abdomen.
2. Measurement of the pelvis *in a first pregnancy* to determine whether there is any deformity which is likely to interfere with birth.

<sup>1</sup> See p. 68.

<sup>2</sup> Information supplied by bureau of vital statistics, North Carolina State Board of Health.

<sup>3</sup> Mortality Statistics, 1915, p. 59. U. S. Bureau of the Census, Washington, 1917. Sum of the rates there given for "puerperal fever" and "other puerperal affections."

<sup>4</sup> Meigs, Dr. Grace L.: Maternal Mortality from all Conditions Connected with Childbirth in the United States and Certain Other Countries, p. 24. U. S. Children's Bureau Publication No. 19, Miscellaneous Series No. 6. Washington, 1917.

<sup>5</sup> Outlined after consultation with Dr. J. Whitridge Williams, professor of obstetrics, Johns Hopkins University. See Maternal Mortality from all Conditions Connected with Childbirth in the United States and Certain Other Countries, pp. 12, 13. U. S. Children's Bureau Publication No. 19, Miscellaneous Series No. 6. Washington, 1917.

3. Continued supervision by the physician, at least through the last five months of pregnancy.

4. Monthly examination of the urine, at least during the last five months.

According to this standard, none of the mothers visited can be said to have had adequate prenatal care. Pelvic examinations were unknown, urinalyses rare, and in the majority of cases the physician knew nothing of the case until called to deliver the woman. Of the 79 white mothers for whom this information was obtained, 21, or less than one-third, saw a physician before confinement, and only 12 had urinalysis. Of the 86 negro mothers, 2 saw a physician before confinement and 1 reported urinalysis. When a negro midwife is to have the case, she occasionally stops in to see how the mother is progressing. Eight white mothers and 27 negro mothers had seen a midwife in this way, which can not, however, be considered prenatal care.<sup>1</sup>

Scant provision is made for the approach of childbirth. Commonly a physician or a midwife is notified through the husband, mother, or other messenger of the expected date of confinement. Many, however, fail even to make this provision, and, finding the doctor out on a call, much valuable time is lost hunting a substitute. The more prosperous families engage both a physician and a midwife—the midwife to serve as nurse and to come several days before confinement is expected, to be present in case of emergency.

#### **Attendant at birth.**

Two-thirds of the 79 white mothers were attended in confinement by a physician; that is, these mothers had engaged a physician, though in 10 cases he was late and arrived after the baby was born. The negro mothers were almost invariably dependent upon the midwife; only 5 of the 86 negro mothers had a physician, and in 1 of these cases the doctor was late. One had neither doctor nor midwife in attendance. Among the more ignorant of the negroes there was even some prejudice against doctors. "No'm," said one, "I had me a good woman every time."

Besides the difficulty in obtaining a physician because of distance, bad roads, and scarcity of telephones, cost is an important factor in determining the attendant engaged for confinement, many families considering the expense of a physician prohibitive. A midwife charges from \$2 to \$3, and, in addition to obstetrical services, renders other assistance, such as washing the clothing and bedding used, and cooking, cleaning, and helping in the care of the home and children.

Many experiences were reported by the mothers illustrative of the hazards of childbirth in a community where medical care is not always available.

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<sup>1</sup> See p. 29.

A mother of three children, living on a comfortable farm of 150 acres, is 10 miles from the doctor. He has been engaged for every confinement but has always arrived too late. The first child was born unexpectedly and fell, striking its head on a chair; it had spasms before morning and died in three days.

Another mother became ill in the evening. A messenger crossed the river in the bateau for the doctor and found he had gone on another case. The doctor did not reach his patient until the next morning and delivery was delayed until he came, the mother suffering greatly. The baby was stillborn—a shoulder presentation.

In another instance, a child who, according to the mother's story, was alive when labor began was lost because the midwife was unable to manage the case and the doctor, who was out when called, could not be reached in time. When he arrived an hour after the delivery he found a stillborn child.

A mother, frightened at losing the previous baby when only 3 days old, sent for a doctor to attend her eighth confinement. He failed to arrive in time and the baby, prematurely born, died in three hours.

A mother of eight children, attended by a midwife at the first three confinements, decided to have a doctor thereafter. A doctor was engaged for each of the next three confinements but failed to reach her in time. When the last two children were born she had only neighbors present, though able and willing to pay for professional service.

A negro woman told of the long hard labor she had had, with the midwife unable to relieve the situation; the "white folks" for whom she and her husband worked sent for a doctor, but before he could get there from the county seat, a distance of 7 miles, the baby was born dead.

**MIDWIVES.**—Although according to tradition there were two white midwives in this section a number of years ago, to-day this service is drawn entirely from the negro race. Eight midwives were interviewed—7 women and 1 man—ranging in age from approximately 45 to 70 years. The practice of midwifery is often handed down from mother to daughter, as the profession of medicine is from father to son. Caste lines are sharply drawn among the midwives, two of the number doing the "quality" work.

Training for midwifery had in every case been limited to nursing for or assisting local physicians. Those interviewed had practiced from 6 to 26 years, all but two for over 15 years; only three of the eight interviewed were registered with the State board of health.<sup>1</sup> All are illiterate; one only can read and none can both read and write. In spite of illiteracy, however, some are women of good judgment and long experience, and with a certain amount of training gained through occasional nursing for physicians.

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<sup>1</sup> See p. 104 for summary of law requiring registration of midwives.

Few of the midwives gave any prenatal care beyond dropping in for an occasional friendly call. None attempted a physical examination or urinalysis. Four reported that they advised the mother in case of any complications to apply to the doctor, though on general principles home remedies are recommended—salts, oil, "black draught," cream of tartar, and burdock for sluggish bowels; and peach-tree leaves, boneset, life everlasting, or mullein for sluggish kidneys. One midwife advises tea of "cidys elder" to reduce the swelling of hands and feet. Some claim that single tansy is especially efficacious for threatened miscarriage.

Although the more prosperous families employ the midwife as a nurse, often having her in the house several days before confinement, in the majority of her cases she is the only attendant and is not called until the woman is in labor. Her preparation usually consists of washing her hands and putting on a clean apron. Two midwives claimed that they used bichloride tablets, though neither had any in the house at the time of the interview; one reported the use of creosol and carbolic acid, and one a kind of "lady powders," the name of which she could not remember. Three reported that they clipped and cleaned their nails. Four own bags or satchels also used for various purposes by other members of the household. None carry their own scissors and only one attempts sterilization of those found at the patient's home. Among the items reported in their equipment were ball thread, tansy, ergot, and half a dozen triturated tablets given one midwife by a doctor. For the most part they depend upon herbs and supplies found at the home of the patient.

The preparation of the mother for her confinement depends largely upon the circumstances of the family; one midwife insists upon a clean bed before and after confinement, though this was usually considered an unnecessary waste of linen. The proverbial old quilt is used by all but one, and one saves washing for her patient by using old rags with which she says she "can keep the bed clean for nine days."

The care of the mother consisted for the most part in copious drafts of tea from time to time, made of pepper, catnip, sweet fennel, mint, wormwood, or tansy. One midwife insists that she gives no medicines, that "if the woman needs medicine she needs a doctor." All admit two or more examinations during labor. One sees to it that all windows are kept closed, and another thinks it "against a woman to have too much air."

Prophylaxis of the new-born baby's eyes consists of washing with boracic acid by two, catnip tea by three, catnip tea and camphor by one, and plain water by two. No midwife had as part of her equipment the nitrate of silver furnished now on request by the State board of health. For sore eyes one washes them with breast milk,

while another advises against its use, for in her opinion it poisons babies' eyes; two bind bruised house leak on sore eyes at night.

The cord is tied with twine or with various forms of cotton—ball, hank, or skein thread; one uses ravelings from a flour sack, and one silk.

The later care of a baby is usually left to the family, though five midwives indorse catnip tea, two soothing sirup, two whisky, four paregoric, and all give oil in some form. One especially recommends giving the baby a piece of fat meat to suck to clear the bowels. For sore mouth, sage tea, or honey and borax followed by a dose of oil, are advised.

#### **Postnatal care.**

The country doctor, serving a large area, finds it impossible to give his patients the same after care that is possible with the city physician. Moreover, the mothers commonly have not recognized the need for after care. In about half the cases attended by physicians, however, a visit had been made after the confinement, usually once only, though in eight cases the physician had made two or more postnatal visits. In 29 of the 56 cases (51 white and 5 negro) attended by a physician, obstetrical service was considered complete when the woman was delivered.

The midwife, if within walking distance, expects to see her patient two or three times, or until the baby's navel is healed. If, however, she lives at a distance, as often is the case, the care of the mother and child is left entirely in the hands of her family or neighbors. Of the 108 mothers attended by midwives (28 white and 80 negro), in 77 cases (almost three-fourths), the midwife either remained in the home a few days or returned at least once after confinement.

#### **Nursing care in confinement.**

Nursing care during confinement is almost invariably untrained. None of the mothers visited had had the services of a trained nurse; only two employed a "practical" nurse. In a number of families—18 white and 15 negro—a midwife had been engaged to remain in the home after confinement to render nursing services. In a majority of cases, however, the mother was dependent upon untrained nursing, either by a member of the family, a relative who had come for that purpose, or by the neighbors, who are always ready to lend a helping hand. The neighbors were "mighty good," said one mother, "they never missed a day but five or six of them came in, and they were always ready to help cook a meal or do anything." One negro woman had as her only dependence her grandfather and her son of 14; another had only her husband at night, no one in the day time.

**Rest before and after confinement.<sup>1</sup>**

To some extent the amount of rest a mother can have before and after confinement is determined by the time of the year or by the stage of the cotton crop upon which depends the livelihood of the family. If confinement occurs during the plowing and planting time, or while all hands are chopping or picking cotton, it is impossible for a woman to have the amount of rest she would be able to secure at a more opportune season.

Housework is commonly continued up to the date of confinement. Although, generally speaking, ordinary household duties may be pursued with advantage by many pregnant women, the lack of conveniences in rural districts makes the care of the household a real burden. The mother's share of "chores" (such as milking, churning, and taking care of the chickens and garden) and of field work is usually lightened, at least, and often is taken over entirely by other members of the family. A number of mothers—18 white and 49 negro women—in addition to their household duties continued with the usual chores and field work until they were confined, making no change in their toilsome daily program because of the approaching childbirth.

One mother had done a washing the day before her second baby was born; she is a regular field hand and chopped cotton all day, 5 days a week, up to the day before confinement. Another, a mother of five children, continued her housework, field work, and chores up to the date of confinement, and the morning of the day the baby was born picked 45 pounds of cotton and cooked a big dinner for her family of seven. A negro woman worked until that night, hoed potatoes, and had all her crop "right clean." Another, who had always kept on with her work up to the time of confinement, had had seven pregnancies, of which one resulted in stillbirth and five miscarriages (four to six months' term). "I went because I had it to do, but I wasn't able," said a negro mother of six children who continued field work until three days before confinement. Her baby was born in September and her daily work that autumn, in "cotton-picking time," included getting up before dawn to cook breakfast and dinner together (dinners are taken along to the field), and then a long day in the cotton field, picking cotton from "sun to sun."

It was uncommon to find women doing heavy farm work, and it is probably true that outside work in moderation is good for many pregnant women. Yet continued daily field work, in the glare and intense heat of this lowland country, in addition to housework, may not only add to the discomfort of pregnancy and the danger of confinement, but lessen the mother's ability to produce sound, vigorous children.

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<sup>1</sup> See following section on "Mother's Usual Work."

Rest after confinement is equally uncertain, also depending somewhat upon the season of the year. Many of the white mothers reported nine days in bed and 27 were in bed for a longer period. Negro mothers were often up in three to five days; almost three-fifths were out of bed within a week. Housework is resumed soon after the mother is out of bed, chores more gradually. Among the white mothers field work is usually discontinued for the rest of the season. Negro women commonly return to the field in a month's time, leaving the baby at home with the older children, or occasionally taking the baby along to be deposited in a box of rags or on a pile of fertilizer bags at the edge of the field.

#### **Mother's usual work.**

Rural women of this section as a rule are burdened with a multitude of duties in the house and on the farm and only rarely have assistants other than the girls of the family. In addition to the cooking, cleaning, scrubbing, washing, ironing, sewing, milking, churning, care of chickens and garden, and canning and preserving the average woman also works side by side with her husband in the field helping to plant, cultivate, and harvest the crop.

Housework must usually be done without the services of hired help; only three of the women visited kept a servant regularly. In fact, indoor help is difficult to secure during the "chopping" season, while in "cotton picking time" it is practically impossible, since the negro women available for domestic service not only earn more money in the cotton field but also prefer field work with its greater opportunity for sociability.

An absence of household conveniences makes housework doubly hard. With the exception of sewing machines there are practically no conveniences for facilitating women's work. The majority of the homes have few of the modern improvements for cooking, which is done usually on a wood stove, with fuel provided from meal to meal.

Washing is commonly done in the open, the wash place consisting of a bench for the tubs and a big iron pot with a fire under it for boiling the clothes. Only six of the mothers visited used washing machines.

Old-fashioned implements are used for churning and butter making. Sweeping often is done with a homemade broom of short bunches of sedge grass for the house, or twigs for the yard, bound together with a hickory withe.

Carrying water is an arduous task. Only one of the homes visited had a pump and sink inside the kitchen, though white families are usually provided with a pump on the porch or within a few feet of the kitchen door. At a number of the homes, however, the water

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supply was at some distance from the house, which necessitated a considerable waste of the mother's time and strength.

One-fifth of the white families and over one-third of the negro families carried water over 50 feet; an occasional negro family carried water as far as a quarter of a mile. A number of tenants had no water on their immediate premises and had to carry it from the landlord's well. A mother who carried water something like 200 yards thought it was partly responsible for so weakening her that she lost her twin babies.

Field work, almost always on the "home farm," is general for both white and negro women. Of the 117 white married mothers, 90 had worked in the field before marriage (72 from early childhood) and 82 after marriage, though a number explained that since marriage their field work has been irregular, only occasional help in the busy season. Of the 89 negro mothers, 87 had done field work before marriage (74 from early childhood) and 85 after marriage. A grandmother, speaking for her married daughter insisted that "she picked cotton when she was 5 years old, she'd fill her little sack and empty it into mine."

Other forms of gainful work are uncommon among the women of this section. Before marriage some few had taught school or worked in the cotton mills; after marriage some had helped in their husbands' stores; a few negro women had hired out for domestic service.

#### INFANT CARE.

##### **Infant mortality.**

By "infant mortality" is meant the deaths of infants under 1 year of age. An "infant mortality rate" as computed in the infant mortality studies of the Children's Bureau is the number of infants out of each 1,000 born alive within a given period who die during their first year of life. In this rural township, of the 520 white children live-born over one year before the agent's visit, 25 (1 child in 21) had died before reaching their first birthday, an infant mortality rate of 48.1; of the 528 live-born negro children, 34 (1 in 16) had died at less than one year, an infant mortality rate of 64.4.<sup>1</sup> The infant mortality rates for children of both white and negro mothers in this rural community are considerably lower, i. e., more favorable, than any found in the cities and towns which have been studied by the Children's Bureau; also much lower than in the mountain county which has a rate of 80.4.

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<sup>1</sup>Computed on the basis of all children born alive at least one year previous to the agent's visit, it is obvious that children only a few months old at the time of the agent's visit could not be included, since some of these may have died afterwards before they were a year old.



A survey of a rural county of Kansas<sup>1</sup> shows a rate of 55 per 1,000, computed upon the same basis as the North Carolina rate. A comparison of the findings of these rural surveys with the findings of infant mortality studies in cities and towns, tends to confirm the impression that rural conditions are distinctly more favorable than urban conditions to infant life.

**AGE AT DEATH AND MOTHER'S STATEMENT OF CAUSE OF DEATH.**—The information obtained from the mothers as to the cause of the deaths of their babies was meager and unsatisfactory. Of the 25 white infant deaths, in 9 cases the mother did not know what had been the cause; of the 16 remaining, 7 had died of gastro-intestinal disorders, according to the mother, 4 of respiratory diseases, 2 were defective at birth, 1 had had an abscess of the liver, 1 measles, and 1 kidney trouble. Of the 34 negro infant deaths, in 13 cases the mother had not known the cause of death; of the 21 remaining, 6 had died of gastro-intestinal diseases, 4 of respiratory diseases, and 5 because of prematurity or congenital defect; the mother's ill health and mother's overwork were said to have caused the loss of 2, 2 were smothered in bed, 1 had fallen and broken its arm and leg, and 1 died during birth.

In this community, as in the cities and towns previously studied by the Children's Bureau, the greatest infant loss occurred within the early months of life. Of the 25 white infant deaths 16 had occurred within the first three months (9 within the first two weeks), 3 were between 3 and 6 months old, and 6 were over 6 months old at the time of death. The proportion of white infant deaths in these age groups approximates the average for the death registration area of the United States. Among the negroes there is a somewhat higher proportion of deaths in early infancy, i. e., within the first three months (24 out of 34, or 71 per cent), than the average for the death registration area (63 per cent).<sup>2</sup> Of the 34 negro infant deaths 24 occurred within the first three months (17 during the first two weeks), 3 were between 3 and 6 months old, and 7 from 6 months to 1 year.

**STILLBIRTHS AND MISCARRIAGES.**—Among the white mothers, 3.9 per cent of their pregnancies had resulted in stillborn children and 3.6 per cent in miscarriage. Negro mothers had lost 3.5 per cent of their children through stillbirths and 5.4 per cent by miscarriage. The percentage of stillborn children, both white and negro, in this community is considerably larger than in the rural county of Kansas studied by the Children's Bureau where only 1.8 per cent of the issues were stillbirths.<sup>3</sup> The white mothers of this community had

<sup>1</sup> Moore, Elizabeth: *Maternity and Infant Care in a Rural County in Kansas*, p. 41. U. S. Children's Bureau Publication No. 26, Rural Child Welfare Series No. 1. Washington, 1917.

<sup>2</sup> *Mortality Statistics, 1915*, p. 645. U. S. Bureau of the Census, Washington, 1917.

<sup>3</sup> Moore, Elizabeth: *Maternity and Infant Care in a Rural County in Kansas*, p. 30. U. S. Children's Bureau Publication No. 26, Rural Child Welfare Series No. 1. Washington, 1917.

lost a slightly smaller proportion of children by miscarriages (3.6 per cent) than the mothers of the Kansas county (5 per cent). The number of negro miscarriages (5.4 per cent), however, was approximately the same as in Kansas.

A comparison with the rates of stillbirths and miscarriages found in the Children's Bureau inquiries in cities and towns <sup>1</sup> shows a slightly higher stillbirth rate for both white and negro mothers of this North Carolina township than was common in the cities and towns, and a slightly lower rate of miscarriages among the white mothers, but a somewhat higher rate among negro mothers.

### Infant feeding.<sup>2</sup>

Methods of infant feeding in this community are largely a matter of tradition, the mothers depending upon the advice of neighbors and friends, since in the majority of cases it is impossible for the distant physician to supervise the feeding of his rural patients.

Breast feeding is universal. The rural mother as a rule is well able to nurse her child. Of the 78 white babies for whom feeding records were secured all were breast fed through the first 5 months; with the exception of 2 babies weaned, 1 at 6 months and 1 at 9 months, all were nursed during the entire first year. Of the 86 negro babies, all were breast fed during their first 2 months, all but 8 during their entire first year. Nursing is usually continued for 18 months, often until the child is 20 or 24 months old, or until another pregnancy interrupts lactation. Of the 35 white babies that had been weaned at the time the mother was visited, only 3 were 12 months or less at the time of weaning, 16 were between 13 and 18 months, 12 between 19 and 24 months, and 4 were 25 months or over. Forty negro babies had been weaned, 12 at 12 months or less; 16 at 13 to 18 months, inclusive; and 11 at 19 to 24 months (in 1 case the age of weaning was not known).

It was customary, however, among the majority of mothers, in addition to the breast milk, to feed their babies indiscriminately, in accordance with a popular supposition that a taste of everything the mother eats will protect him from colic. Seven white babies and 19 negro babies were given food in addition to breast milk from their

<sup>1</sup> Per cent of all issues resulting in stillbirth or miscarriage in cities and towns so far studied by the Children's Bureau have been as follows:

City or town.	Stillbirths.	Miscarriages.	City or town.	Stillbirths.	Miscarriages.
Johnstown, Pa. ....	4.5	3.3	Saginaw, Mich. ....	3.9	4.4
Manchester, N. H. ....	2.9	4.6	Akron, Ohio. ....	3.0	4.2
Waterbury, Conn. ....	3.4	6.8	Brockton, Mass. ....	2.6	5.3
New Bedford, Mass. ....	2.9	4.4			

<sup>2</sup> Feeding records covering the first year of the baby's life were obtained for the mother's last child under 5 years, a total of 78 records for white babies and 86 for negro babies.

first month of life. By the beginning of the fourth month 23 white and 45 negro babies were being fed. One mother fed her baby at 2 months because he was "heartly and wanted to eat." Another gave her babies a taste of almost everything she ate, especially in the spring, to prevent their having colic with every new vegetable. A negro mother, who reported that her baby had had nothing but the breast for the first seven months, upon reconsidering "reckoned he had had watermelon and the other children might have given him peaches and apples." Some few were fed "chewed rations" until the teeth arrived, i. e., the father or mother chewed the baby's food before giving it to him. "Sugar tits" of moistened bread, sugar, and a little butter, lard, or fat meat, tied in an old thin cloth, are common pacifiers. Fat meat is sometimes given as a purgative and, among the negroes, is a common substitute for oil. It is customary to give catnip tea until the mother's milk has come, often continuing the tea during the first few weeks.

#### PHYSICAL CONDITION OF CHILDREN FROM 1 TO 15 YEARS OF AGE.

##### General health.

The so-called "children's diseases"—measles, mumps, whooping cough, and chicken pox—have been widespread in this locality. Of other diseases, the most commonly reported were dysentery and stomach disorders of various sorts, pneumonia, malaria, "sore eyes," hookworm, tonsilitis, "worms," smallpox, and typhoid fever. Some half a dozen children among those visited have been considered by their families to be mentally defective.

It was shown a few years ago that the county was heavily infected with hookworm disease. During a campaign against hookworm, carried on in the county in 1911 by the Rockefeller Sanitary Commission (now the International Health Board of the Rockefeller Foundation) in cooperation with the State board of health, 3,301 persons were examined, of whom 1,839, or 55.7 per cent, were pronounced to be infected with hookworm. The campaign was apparently confined to the examination and treatment of individuals and did not include the erection of sanitary privies throughout the county which has been the important feature of the more recent hookworm campaigns in other counties of the State.

The International Health Board, in its report for 1915, describes the effect upon the population of a prevalence of hookworm disease:

In no country is the death rate ascribed directly to hookworm disease particularly high; this disease is never spectacular, like yellow fever or plague or pernicious malaria. It is the greater menace because it works subtly. Acute diseases sometimes tend to strengthen the race by killing off the weak; but hookworm disease working so insidiously as frequently to escape the attention even of its victims tends to weaken the race by sapping its vitality. Persons harboring this infection are more susceptible to

such diseases as malaria, typhoid fever, pneumonia, and tuberculosis, which prey upon lowered vitality. But even more important than this indirect contribution to the death roll are the cumulative results—physical, intellectual, economic, and moral—which are handed down from generation to generation through long periods of time.<sup>1</sup>

Within recent years the county has been covered by a typhoid campaign also, during which free vaccination for typhoid was available for all persons of the county, through the cooperation of the State board of health with local authorities. In the course of the Children's Bureau survey an interesting story was told of the disastrous results that had followed the failure of one family to avail themselves of vaccination. The mother wanted them all to drive over to the schoolhouse and have it done, but the father thought it was not worth while; he had heard it made one sick and did not wish to risk losing time from work. In the midst of "cotton-picking time" the 15-year-old boy developed a bad case of typhoid; for weeks the mother and oldest brother had to give their entire attention to nursing the sick boy. This case of typhoid cost the family \$50 for help hired to replace these three cotton pickers of the family and, in addition, a doctor's bill of \$50.

#### **Mortality of children from 1 to 15 years of age.**

In the 127 white families visited there had been 17 deaths of children 1 to 5 years of age. According to the mothers' statements, 6 had occurred from intestinal disorders; 2 from meningitis; 2 from chills and fever; 1 each from pneumonia, measles, Bright's disease, "spinal disease," "stomachitis," and membranous croup; and in 1 case the cause was unknown. Between the ages of 6 and 15 only 1 death had occurred, and in this case the cause was not known.

Among the 129 negro families 25 children had died between the ages of 1 and 5 years—7 of intestinal disorders; 4 of respiratory diseases; 4 had been burned to death; 1 drowned; 1 strangled; 2 had died of typhoid; 1 each of scarlet fever, sunstroke, thresh, eczema, and congenital defects; and in one case the cause of death was unknown. There had been 5 deaths of negro children between the ages of 6 and 16—2 of tuberculosis, 1 of "worms," 1 had been shot, and 1 burned to death.

A striking proportion of deaths from accident was reported among the negro children—7 out of 25 deaths between the ages of 1 and 5 years and 2 out of 5 between 6 and 16.

#### **Home remedies.**

Distance from doctors and drug stores has usually resulted in the extensive use of home remedies and patent medicines. Many families keep a supply of drugs on hand, such as salts, camphor, oil, calomel, turpentine, paregoric, asafetida, and quinine.

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<sup>1</sup> The Rockefeller Foundation, International Health Commission, Second Annual Report, 1915, pp. 11, 12.

A thriving business is conducted by a firm which maintains continuously an agent and a two-horse load of patent medicines in this section. Croup and cough "cures," liniments, soothing and teething sirups, remedies for women's diseases and for constipation are part of his stock and have a wide sale among his patrons. The remedies are usually put up in dollar packages with wrappers which make extravagant claims for their virtues.

The State board of health recommended to the legislature of 1917 the passage of a State law regulating the conditions of sales of trademark remedies as follows: (1) "The elimination of secrecy, requiring that the remedy publish its formula on the package," and (2) "a sufficient tax on the various brands of secret remedies on the market of this State to enable the State government to encourage and answer inquiries from the people regarding the action of any drug or combination of drugs."<sup>1</sup> Although the "secret remedies" law failed of passage, two important acts of the 1917 legislature concerning patent remedies provide (1) that the package or label of any drug product shall not contain any statement regarding the curative or therapeutic effect of such article which is not true<sup>2</sup> (in harmony with the Federal food and drugs act and copied by most of the States in their laws), and (2) that the sale is forbidden and the advertising unlawful of any proprietary medicine purporting to cure certain diseases, for which no cure has been found<sup>3</sup>—a law in harmony with advanced legislation upon this subject.

Negro mothers, in addition to a liberal patronage of patent medicines, also rely to a large extent upon homemade "teas" of native herbs, which they gather from early spring to late autumn. The majority of babies are given catnip tea from birth. For colds, favorite remedies are teas of pine tops, boneset, horehound, or pennyroyal. Purge grass is thought infallible for constipation. For diarrhea, the dollar weed is given, also sweet-gum leaves, queen's delight, or red raspberry tips; for "female troubles," red shank, slippery elm, burdock, and single or double tansy are in favor.

#### Diet.

Most of the families visited have gardens, though many, because the poor soil requires much fertilizer and labor, feel that they can not spare the expense or the time for a garden of any considerable size. The average family raises beans, tomatoes, field corn, sweet potatoes, Irish potatoes, cabbage, collards, turnips, okra, and field peas. The garden insures the family sufficient vegetables during the summer months, but for a good part of the year the diet is much more limited.

<sup>1</sup> Sixteenth Biennial Report of the North Carolina State Board of Health, 1915-1916, p. 58.

<sup>2</sup> Acts of 1907, ch. 368, as amended by Acts of 1917, ch. 19.

<sup>3</sup> Acts of 1917, ch. 27.

Few families conserve any variety of vegetables, usually depending upon sweet and Irish potatoes, collards, and turnips for winter use.

Although apples, peaches, plums, and cherries are scarce, blackberries, huckleberries, and scuppernong grapes are fine and plentiful. The more thrifty and enterprising housewives can, dry, and otherwise preserve fruit for winter use. The migratory life of the tenant family, however, offers small incentive to provide for the morrow.

Little stock is kept in this section, and a number of families are without milk and butter. The county makes but 3 pounds of butter to each person per year.<sup>1</sup> Poultry also is considerably below the usual quota in rural districts, and eggs are scarce. Few families keep sheep, though all have hogs, pork being almost the sole dependence for meat.

Corn is a staple article of diet, whether as "roasting ears," hominy grits, or ground into meal. Molasses, homemade from sorghum cane, is widely used for "sweetening" during the winter season.

The preparation of food, from the point of view of the needs of growing children, leaves much to be desired. This, of course, is not true of the more prosperous and intelligent families, but the children of the small tenant are given much of pork, fried food, and half-cooked starch in the form of hominy and of corn and wheat bread. This heavy diet of partly cooked starches, with an excess of fat and a deficiency of fruits and green vegetables (except in the summer), together with the custom of indulging children in the most undesirable habits of eating whenever and whatever they please, is doubtless a factor in the indigestion, which, according to the mothers, is one of their chief difficulties with the children. In many homes the child is allowed to go to the "safe" for leftovers whenever he can think of nothing else to do, with the result that he never knows the wholesome urge of a good healthy appetite, and his stomach knows no rest.

The rural mother has been at a great disadvantage; because of her remoteness and infrequent intercourse with her neighbors, she has had no standard of comparison by which to measure her methods and achievements. Now, however, the old order is rapidly changing, and every year brings her into closer touch with better and more modern methods of home economics and household management. The women of this township now have at their disposal the services of a county home demonstration agent, and are within a reasonable distance of community fairs, county fairs, and farmers' institutes, where lectures, demonstrations, and exhibits have been arranged for their benefit.

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<sup>1</sup> Thirteenth Census of the United States, 1910, Vol. VII, Agriculture.

## EDUCATION.

**School law.**

According to the school law, as amended in 1917, a North Carolina child must be in school between the ages of 8 and 14,<sup>1</sup> for four months of the school term each year. The 14-year age limit is a recent provision—a part of the important educational program enacted by the last session of the legislature and effective beginning September 1, 1917.<sup>2</sup> At the time of the inquiry, school attendance was compulsory only for children of 8, 9, 10, and 11 years. The law makes an exception in cases where the child is so physically or mentally handicapped as to make attendance impracticable; also where he lives  $2\frac{1}{2}$  miles or more from the schoolhouse; or where, because of extreme poverty, his services are necessary to his parents, or they are unable to provide him with suitable clothing or necessary books.<sup>3</sup> Since even under the terms of the new law, the child is assured of only 24 months schooling in preparation for his life work, the law is still obviously inadequate in its scope. Moreover, in this rural section at least, the "extreme poverty" exemption clause is liberally interpreted; and children are frequently kept at home to help on the farm during the busy seasons.

**School term and attendance.**

At the time of this inquiry, the school term in the neighborhoods visited covered five months, November to March, inclusive, with the exception of the largest school, which was in session six months (made possible by special local taxation). Not only is the term short, but attendance is irregular, the yearly average varying from 50 to 85 per cent of the total enrollment. Fewer children attend in November (cotton picking season) than at any other time during the term. In March, also, many of the older boys are kept at home to help with the spring plowing.

The majority of homes visited are within a reasonable distance of the school. Thirteen white and 27 negro families, however, with children of school age have no school nearer than  $2\frac{1}{2}$  miles, and, according to the school law, no child living that distance or farther is required to attend school.<sup>4</sup>

Although the majority of the children start to school at 6 years, over one-fourth had not been sent until they were 7 years or older, usually because the family lived at a distance from the school or the child was not as strong as the others. Occasionally a 5-year-old was sent along with the older children, not to have any share in the school work but "just to be going," as the mother said. Nineteen of the 257 white children of school age, and about the same propor-

<sup>1</sup> In Mitchell County school attendance between the ages of 8 and 15, and in Polk County between the ages of 7 and 15.

<sup>2</sup> Acts of 1913, ch. 173, sec. 1, as amended by Acts of 1917, ch. 208.

<sup>3</sup> Acts of 1913, ch. 173, sec. 2.

tion of negro children, had never attended school at all. One mother explained that her 9-year-old boy would have  $3\frac{1}{2}$  miles to travel to school—7 miles the round trip—the winters are hard and he has so many colds that she has not sent him.

It was gratifying to find so many of the older children of 15 to 20 years still in school, at least for the two or three winter months, ambitious to supplement in this way their inadequate schooling as young children. A child is usually well grown before he leaves school finally and as a rule has some good reason for leaving—he is needed on the farm or in the house, or he marries or goes off to work. A few were "tired of school," one did not like the teacher, one was "slow at books and ashamed to go," and one had left to join the Army. Poverty also is a frequent factor in poor attendance, particularly among the negro families. A negro mother lamented that her children could have gone more this year if they had had good shoes.

The short school term, together with irregular attendance, make it difficult for the child to progress rapidly in school. Ability to read and write is a minimum to be expected from him as a result of his contact with school; many, however, fail to achieve even this claim to education. In the families visited, approximately 1 white child out of 10, 1 negro child out of 3, between the ages of 10 and 20 years, had not yet learned to read and write.

#### **Attitude of parents toward education.**

As a rule the parents were interested in their children's school progress, though few ever visited the school or consulted the teacher. A proud mother told of her 10-year-old prize speller, who had missed only one word all last winter and not one the year before. One mother, who complained that the teacher let the children loiter and fight on the way home, was asked if she ever visited the school to talk things over with the teacher and admitted that she had never seen any one of their teachers. Although one out of six of the white mothers and one out of three of the negro mothers visited were themselves illiterate, the attitude often attributed to illiterate parents, that "what was good enough for us is good enough for our children," was not encountered in this community. On the contrary, it is often a consciousness of their own defective education that stimulates the parents to see to it that their children have better opportunities. A negro woman, who had attended school only four weeks in her whole life, explained that for that reason she is "pushing" the children—she wants them to get some "learning."

#### **School facilities.**

The township provides five schools for white children and four negro schools.



**WHITE SCHOOLS.**—The largest white school is a well-equipped, three-teacher school, with a course of study through the tenth grade; another is a two-room, two-teacher school. These two school districts have voted the special school tax (30 cents on the hundred dollars valuation of property and 90 cents on the poll tax), which is placed to the credit of the school district voting it. This amount may be used for various purposes, such as lengthening the school term, increasing the teacher's salary, building a new school, or getting an additional teacher. The three other white schools are old-fashioned, one-room, one-teacher schools, with a total enrollment of less than 30 children to the school. The township seems to offer an excellent opportunity for a consolidation of rural schools, in accordance with the newer standards for rural educational facilities.

County schools are supported almost entirely by county taxes, with the exception of limited grants from the meager State school fund and a special district school tax if agreed upon by a majority vote of the qualified voters of the district. The *Progressive Farmer*<sup>1</sup> urges the necessity for increased school funds:

The first thing and biggest thing we are going to say in this issue of *The Progressive Farmer* is this—that our folks in North Carolina, South Carolina, Virginia, and Georgia ought to absolutely double their school taxes during the coming year.

It is no use to say we can't afford it. With cotton at 20 to 25 cents a pound and tobacco and peanuts selling at corresponding figures, it is folly to say that we can't do more for our schools than we did when cotton was 6 to 10 cents and other crop prices in keeping with these. And we ought to be ashamed of ourselves if we don't do more. The time has come when any man ought to be ashamed when he leaves home if he can't say he lives in a local tax school district—and one in which the tax is adequate.

Look at the facts. The North Atlantic States spend \$50.55 per year on schools per child; the South Atlantic States \$18.91—not 40 per cent as much. The North Central States spend \$44.15 per child; the South Central States \$19.01—not half as much. North Dakota, a rural State, is spending \$64 a year per child; wild Idaho \$55, and even Mormon Utah \$52, while Virginia spends \$19, North Carolina only \$12, South Carolina only \$11, and Georgia \$13. Nor can we say we are doing as well in proportion to wealth, for while North Dakota spends on schools 44 cents a year for each \$100 of her wealth, Idaho 49, and Utah 51, Virginia and North Carolina spend only 28 cents a year per \$100 of wealth, South Carolina 27 cents, and Georgia 29.

The Carolinas, Virginia, and Georgia therefore might double the amount they are spending for schools and even then not spend as much as some other States are spending.

The rural-school teacher of this section is poorly paid; five of the eight teachers of the township are paid from \$45 to \$75 per month, the other three only \$40 per month for the five-month term—a meager yearly salary of \$200. The average salary for the eight teachers of the township (\$286) is, however, somewhat above the

<sup>1</sup> *The Progressive Farmer*, Saturday, June 30, 1917.

low State average of \$243 for teachers in the public schools, but is scarcely more than half the average (\$525) for the United States.<sup>1</sup>

*Buildings and equipment.*—All the school buildings are frame; three are in good repair, painted, and attractive, while two are unpainted and uninviting.

Each schoolhouse stands in a grove of trees, in most instances young oaks, but no attempt has been made in any case to beautify the grounds with shrubbery or flowers. All have plenty of play space, and the largest school is provided with a basket-ball court.

The larger schools are plastered and wainscoted, the one-teacher schools merely ceiled. All are heated by unjacketed wood stoves. The two larger schools are provided with cloakrooms; in the one-room schools the children hang their wraps on nails or hooks on the walls of the classroom. All the schools have new desks and chairs of graduated size, each accommodating two children, except at one school, which has individual seats. Blackboard space is inadequate—in one school only 12 feet—partly black cardboard and partly pine boards painted black. Aside from desks, chairs, and blackboards, little else in the way of equipment is furnished by the school authorities, and anything further must be added by the teacher or by interested school patrons. Two schools have pianos, only one has a dictionary, and three have no maps—which, as may be imagined, greatly hampers the teaching of geography. The children provide their own schoolbooks, paper, and pencils. An interested teacher of a one-teacher school had herself supplied her own primary, history, and geography “helps,” desk copies of all textbooks used, material for county commencement exhibits, drawing paper, crayons, pencils when the children ran short, and had induced the local “community club” to contribute copy books.

School libraries at each of the schools are a source of enjoyment to the children during the school term.

*Sanitation.*—Drinking water is obtained from drilled wells on the school premises, except for one school, which used a near-by spring. There is usually a gourd or cup at the pump, but the teachers are making an effort to have at least each family of children bring a cup, which is a step toward the individual drinking cup.

Toilet facilities are inexcusably poor. Two schools have no toilet whatever, two have a toilet for girls only, while the largest has one for boys and one for girls.

*School activities.*—At some of the schools the children are eager and interested members of school clubs. An Audubon society is responsible for an enthusiasm for birds among small boys of that neighborhood; 12 bird houses were made by the boys of this school last year, exhibited at the county fair, and afterwards set up on the

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<sup>1</sup> Compiled from Report of Commissioner of Education for year ending June 30, 1916, Vol. II, p. 30.

home farms. One mother whose boy has learned to know the birds and their notes confessed that it has made her notice the birds, too. A canning club, pig club, and corn club have headquarters at the schools and a remote one-teacher school has a "Robert E. Lee Society" which meets every Friday afternoon for debates or literary programs and has been found an excellent means of getting parents to visit the school. All the schools were well represented at the county commencement held in March at the county seat; a one-teacher school of this township was the winner of several prizes—for the best all around one-teacher school exhibit, for the best seventh-grade penmanship, for the best composition on the necessity for the protection of birds, and for the best beaten biscuit.

The township schools have not been used to any great extent for community purposes. Farmers' institutes are held yearly at the largest school, and the winter before the survey a "moonlight" school was also held there. Two other schoolhouses are used for meetings of the local community clubs, and at another a union Sunday school has its services on Sunday afternoons; occasionally political meetings also are held at the schools. For the most part the people have not yet accustomed themselves to the idea of a school as a social and community center, and the schoolhouse commonly stands idle and unused for over half the year.

**NEGRO SCHOOLS.**—The four negro schools of the township, like the average rural schools for negroes in the South, are poor.

The negro child of the township goes to school in a one-room, unpainted schoolhouse, and sits with several children in a row on a long homemade bench with no back except a rail and no place to hold his books and papers except on his lap. He "does his sums" on a homemade blackboard of three boards nailed together and painted black, and recites his lessons to a teacher (colored) who for five months draws a salary of \$25 per month. His school term lasts 100 days, of which he misses no small share to help his father with the crop.

In two of the negro schools the course does not extend beyond the fourth grade; one has six grades, and the largest negro school of the township is of a better type, with classes up to the seventh grade and a teacher who draws a salary of \$30 per month. At the negro county commencement this school was the winner of four prizes—more than any other negro school of the county.

Enrollment in the four negro schools varies from 44 to 96. All the teachers are overburdened by the number of pupils. It is plain one teacher's time divided among 96 children in seven grades can give each child only the merest smattering.

All the negro schools have undertaken industrial work of some description. The girls learn darning, buttonhole making, hemming, and embroidery. Lacking sewing machines at the school, the children cut, baste, and fit the garments there and take them home to sew. One teacher has attempted a weekly cooking demonstration at homes in the neighborhood. The boys make baskets and mats of corn shucks, mats of raveled tow sacks (in which cotton seed and fertilizer come), chair seats of splints, and maps which they color with crayons.

Two negro schools are using water from good drilled wells on the schoolhouse grounds, and another carries water from a drilled well at the nearest farm, 300 yards distant. One, however, still draws water from a dug well on the school premises—a shallow well only 12 feet below the surface, obviously subject to pollution by seepage, and also open and unprotected from dust and dirt. None of the four negro schools is provided with toilet facilities of any description.

**HIGH SCHOOLS.**—Besides the district schools the county public-school system provides at the county seat a good, well-equipped high school for white children and a normal school for colored. The colored "normal" is both boarding and day school and has a dormitory where, for a small sum, girls from the country round about may live during the school term, furnishing their own supplies and doing their own cooking and housework.

**FARM-LIFE SCHOOLS.**—There has been some discussion of a "farm-life" school for this county. This type of school, offering a course of study better adapted to rural conditions than the standardized school of the three R's, has proved its worth in other parts of the State and would be a distinct asset to this county.

The purpose of the farm-life school is to give to the boys and girls such preparation as the county public high schools give, and in addition to that to give the boys training in agricultural pursuits and farm life, and to prepare the girls for home making and home keeping.<sup>1</sup>

The course of study in a farm-life school (the State now has 21 such schools) includes such rural subjects as the following: Botany, agriculture, field crops, vegetable gardening, fruit culture, farm animals, feeding live stock, dairying, poultry raising, soils and fertilizer, rural economics, and farm equipment.

**MOONLIGHT SCHOOLS.**—This neighborhood has had a share in the State's campaign against illiteracy, holding a "moonlight school" at the largest school of the township. The "moonlight school," which originated in Kentucky and has been found effective there and in other States, is a night school for adult illiterates, conducted for short periods, usually at the public school by volunteer teachers, preferably on moonlight nights for the greater convenience of the

<sup>1</sup> Acts of 1911, ch. 84.

country people. The State department of public instruction is hoping by this means to reduce materially the illiteracy of white adults. North Carolina had in 1910 a higher rate of illiteracy (14 per cent of the male adult native white population)<sup>1</sup> than any other State.

#### CHILDREN'S FARM AND OTHER WORK.<sup>2</sup>

The effect of farm work on the development of the child is a practically unexplored field. It has probably been too often assumed, however, that a child's work on the farm is limited to morning and evening chores—all light work, with no tax on strength or endurance, and requiring only two or three hours a day. In this study the attempt was made to discover for this one rural township of the South the various farm occupations—both field work and chores—performed by children, the health hazards involved in each, ages and sex of the children, their working hours and their wages where the farm work is away from home.

A white family, living on a farm of 110 acres, with 30 acres in cultivation, consists of father, mother, and six children—two boys of 15 and 13, a girl of 10, boy of 8, girl of 6, and a 3-year-old baby. The two older boys plow, help set out the garden, hoe corn, strip fodder, gather corn, and chop and pick cotton; these boys also help take care of the stock and feed the hogs. The 10-year-old girl and 8-year-old boy drop corn and peas, hoe corn, chop and pick cotton, and pick peas; the little girl also helps her mother with the housework, and the boy takes the cow to the pasture and back and carries wood and water. The 6-year-old girl feeds the chickens, brings in stove wood, and helps irregularly with the cotton picking.

#### Chores.

Every farm child has a variety of chores to perform around the house and at the barn—the boys feed the mule, "tote" water, feed the chickens and hogs, chop wood and bring it in, "carry" the cow back and forth to the pasture, and weed the garden; the girls, besides their share of the housework, help with milking, churning, canning, and preserving. All these various odd jobs have been considered chores, as distinguished from regular field work with the crops.

#### Field work.

It was found that two-thirds of the white children and three-fourths of the negro children from 5 to 15 years old, in addition to chores and odd jobs, helped in the fields, cultivating and harvesting the crops. Children of all ages were at work in the fields; 51 were children under 8 (22 white and 29 negro); 120, of whom 47 were white and 73 negro children, were under 10 years.

<sup>1</sup> Thirteenth Census of the United States, 1910, Vol. I, Population, p. 1258.

<sup>2</sup> The discussion of children's farm and other work is limited in this inquiry to children from 5 to 15 years, inclusive, living at home at the time of the agent's visit, i. e., 219 white and 270 negro children, of whom 144 white children (88 boys and 56 girls) and 204 negro children (103 boys and 101 girls) worked in the fields.

Cotton is the leading crop, and in the cotton field a large proportion of the labor is performed by children of various ages, from the well-grown boy of 15 to the toddler of 5 or 6, who work along with the rest of the family in cotton-picking time.

Plowing, planting the cotton crop, and putting out fertilizer is usually considered a man's work, though sometimes done by the older boys. Thirty-eight white boys 9 to 15 years old and 53 negro children from 7 to 15 (51 boys and 2 girls) had helped with the plowing, using a one-horse plow. Cotton is planted with a "cotton planter" drawn by one mule. The boy's work consists in driving the mule and keeping to the top of the ridge—light work, for the soil has been plowed before. Some judgment and experience is required to manage the animal, keep him in a straight line, and hold the planter to the top of the ridge. Fertilizer is sometimes scattered by hand, but usually put out with a distributor drawn by one mule—light work that can be done by any boy who can plow.

The next process in the cotton crop is "chopping" the cotton, i. e., thinning it and weeding out the grass between the plants with a hoe (the grass between the rows is plowed under). On the first round the plants are "chopped out," leaving two stalks; on the second round only single plants are left, 12 to 15 inches apart. Numbers of children, of both sexes and all ages from 5 to 15 years, help with the chopping; for it requires little strength and no particular skill, except on the first round when there is danger of injuring the young plants. It is, however, very fatiguing in the hot sun of midsummer; and, because of the monotony of keeping the same position, the shoulders and arms ache from the muscular exertion, and the hands become cramped from holding the hoe. The chances are that any considerable amount of this sort of work is too severe for a young child. One hundred and two white children and 147 negro children had chopped cotton during the summer of the inquiry.

Cotton picking is the work of the entire family. One mother, when she puts "one at it," puts "them all at it." One hundred and forty-one white children and 204 negro children, of both sexes and all ages from 5 to 15 years, picked cotton. Many families take all the children to the field, even, as has been said, depositing the baby in a box under the trees at the end of the row. The cotton picker walks up and down between the rows, stooping over to pick the cotton and tossing it into a sack worn over the shoulder; when filled, the sack is emptied into a sheet spread out on the ground at the end of the row. Although cotton picking is light work requiring little strength, it has its bad features when the age of the children in the cotton fields is considered. There is exposure to sun and heat in the early part of the season; fatigue, due to long hours, monotony, and the stooping posture; and no small muscular strain from carrying

the cotton—as much as 10, 15, or 20 pounds accumulates in the sack before it is emptied into the sheet. The pickers are also under some nervous strain, often racing one another to see who can pick the most in a day. Where they are working out for some one else, the pay is at piece rates—50 cents for every 100 pounds picked—which encourages speeding up.

Corn is usually planted with a planter drawn by one mule; in this case only the older boys who are “plow hands” would be called upon to help. Sometimes the old-fashioned method of “dropping” by hand is followed, and this is often done by the younger children. Hoeing corn is about the same process as “chopping” cotton and is done by children of the same ages.

Pulling or “stripping” fodder is considered harder work than hoeing corn and cotton, or picking cotton. Twenty-four white children and 52 negro children—boys and girls from 6 to 15 years of age—pulled fodder. The blades of the fodder are stripped from the corn-stalks, tied in bunches to the stalks, and left to dry. It is doubtful whether any child who is not fairly well-grown should have this sort of work to do, since reaching the highest blades necessitates considerable muscular strain.

In the tobacco crop, as with cotton, children can be used at almost every step of the process. The plants are set out by hand, at intervals of about 18 inches. This is done by both boys and girls and is comparatively light work. The stooping posture would be trying if kept up for any length of time, but in two or three days a large crop can be set out.

A child of 8 or 9 can “top” tobacco; i. e., pinch off the small top leaves; he needs only to know how to count in order that he may leave the same number of leaves on all the plants. A week or so later the new sprouts are broken off; this is called “sprouting” or “priming.” Young children go from plant to plant also, picking off the bugs.

Children can also “strip” tobacco, though some judgment is required for this; the large lower leaves are stripped from the plant, and care must be taken to gather only perfect leaves and to avoid breaking or crushing them. The next step is tying the leaves together in bunches of five or six, ready for curing—simple work and done by young children. Only the older boys and grown men can attend to the curing, which is a tedious process requiring judgment and experience.

Children under 16 have a share in various minor farm activities also, helping with the crops of peas, beans, and sweet potatoes, helping in the garden, and picking fruit and berries.

**Working hours.**

The hours of children regularly at work in the field vary, not only in the different families but also according to the season of the year. In spring and summer many work from "sun to sun"; others start to the field in the morning when the dew has dried, and work until about an hour before sunset. No work is done in the heat of the day; i. e., from 11 to 1 or from 12 to 2, unless the family is "pushed" with the crop.

In cotton-picking time the working day is from 7 or earlier until sundown with almost no time off for dinner; many families take their dinners to the field and eat as they go up and down the rows. "Some mornings the sun is an hour high and some it's not up yet before we're in the field," said one mother. One negro mother rouses her family at 4 o'clock; she was "raised that way"; her father and mother always ate their breakfast by candle light.

**Wages when at work away from home.**

Although most of the children work only on their own home farm, a number work out for the neighbors also a few odd days when their labor can be spared from their own crop. Chopping cotton is paid for by the day, girls between 12 and 15 making 40 cents a day and boys 50 cents. A 10-year-old boy was getting 40 cents and a boy of 8 years, 20 cents. Picking cotton is paid at piece rates—50 cents per 100 pounds—which encourages speeding up and accounts for a vast pride in the amount each child can pick. Children between 12 and 15 years of age pick from 125 to 200 pounds a day.

For the children to help with the crop is such a customary procedure that it is accepted as a matter of course. From instincts of thrift and industry, most parents wish their children to learn to work. It is by no means always a question of poverty, for children of well-to-do farmers are to be found in the field as well as those of poor tenants. A reasonable amount of farm work can hardly be injurious to the health of a sturdy, well-grown child, and early training in habits of industry will be of value to him later in life, yet there can be no doubt that interruption of the child's schooling in order to have him help with the crop seriously handicaps him. This can not be justified even in cases of poverty. Moreover, very young children should not be called upon to perform regular daily field labor with its accompaniment of long hours, exposure to the heat of the sun, monotony, and fatigue.

**RECREATION AND SOCIAL LIFE.**

Recreation, community interests, and the social aspects of country life are rather more developed in this township than in the average rural community where wholesome means of relaxation and diversion are too often lacking.



**White families.**

During the winter, social intercourse is largely confined to church-going, an occasional school entertainment, and now and then a visit to town on Saturday afternoons. In August, after the cotton is "made" (bolls formed and further cultivation impossible), there is leisure, before cotton picking, for visiting, entertaining, ice-cream suppers, picnics, and swimming parties at the picturesque mill ponds. A community club picnic has been the means of bringing together two or three neighborhoods every August. Speakers are invited, and an exhibit of home products is arranged, with prizes offered for the best bread, preserves, cake, flowers, and other home products. After a picnic dinner, athletic contests and a canning club demonstration occupy the afternoon.

Three church denominations are represented in the township, each with preaching services once a month. Two have Sunday school also every Sunday afternoon. Church rivalry—occasionally a source of discord in a small community—is remarkably lacking in this township, where the whole neighborhood attends services, ice-cream suppers, and "protracted meetings" at all three churches indiscriminately.

School entertainments of various sorts are given now and then such as Christmas celebrations, box suppers, "concerts," Easter-egg hunts, pound parties, ice-cream suppers, lectures on birds, and an occasional evening with a professional short-story teller. Sometimes admission is charged and the proceeds used to buy extra furnishing or equipment for the school. Thirty dollars, raised by the largest school last year, provided shades and curtains and basket-ball equipment, and paid the expenses of the school's share in "county commencement." A one-teacher school gave an interesting "measuring party" to which every person who came brought "a penny a foot and a penny for each inch over" of his height, and a prize was given to the tallest person present.

Athletic sports, unfortunately, arouse little interest. The township is without a single baseball team or tennis court. "Old Hundred"—something like baseball, but played with a soft ball—is popular among the school children at recess. One school has organized a basket-ball team for boys and one for girls. Swimming in the mill ponds or river is a favorite diversion with the boys, and the older boys and men occasionally fish and hunt for birds, squirrels, rabbits, and foxes. During shad season "fish fries" are popular with the young people.

Among the adults clubs and lodges are numerous, including Masons, Odd Fellows, Woodmen, two "community clubs," and various church societies. Farmers' institutes, held every year at the largest schoolhouse, are well attended by both men and women.

As an up-to-date farmer explained, "you can always get some new ideas; it got me in the notion of sowing clover." A farmers' union was organized a few years ago, but finally failed.

The community clubs (women's organizations under the leadership of the county home demonstration agent) are especially interesting and successful and are proving a definite force for progress in their neighborhoods. The programs at their monthly meetings embrace a variety of topics of interest to rural women, such as bread making, canning vegetables in the home, poultry raising, flower and vegetable gardening, and exterminating flies and mosquitoes.

A girl's "canning club," under the direction of the county home demonstration agent, has had two successful seasons. The girls plant and cultivate a garden of a tenth of an acre and can the products for home and market. Their demonstration of tomato canning is a popular feature of the annual canning club picnic.

A boys' corn club, discontinued the year of the inquiry, had made a good record the previous summer. A 15-year-old prize winner raised 101 bushels the first year and 106 the second, to the acre, which was three times his father's record of 30 to 35 bushels. The boy deep-plowed the soil and used more fertilizer, but his yield was out of all proportion to the additional expense. Another corn-club boy deposits in the bank the proceeds from his acre of corn. His father has him keep books and sell the corn himself, to teach him the business side of farming.

In three-fourths of the white homes of the township some sort of publication is taken regularly. A number of families are getting weekly rural editions of the county papers; several subscribe for semiweekly or triweekly Atlanta papers; and a number of farm papers are taken. Of magazines, however, there is surprising dearth; the so-called "woman's magazine" which so many women are finding helpful, with its pages on household management and the care of children, is seldom found in this section. Literary magazines, also, are rare.

Although the man of the house usually makes at least a monthly trip to town and in the fall of the year goes in almost every week, hauling cotton, going to town seems to be an arduous undertaking for his wife. She accomplishes it only about half a dozen times a year, when shopping is necessary or when the children clamor to be taken in for the county fair or county commencement. Often tenant families, lacking a conveyance, find the trip out of the question.

Migration from country to town is rare in this community. As the boys and girls grow up and marry, practically all settle in the same neighborhood where they were reared. A real contentment with country life is the rule; nearly every family expressed the firm conviction that "the country is the best place to raise children," some

on moral grounds dreading the contaminating influence of town life and some on the grounds of health. One mother wished for better schools for the children, like the town schools, but thought the country the place to rear children, for, as she said, "there's more fresh air, and they can play about and are not as apt to catch contagious diseases as in town." A mother, reared in a mill town, objects to the long hours, hot sun, and loneliness of the farm. "In the mill town you weren't lonely, you could get up with somebody and talk and have a good time," she said. Another, however, was glad to get her little family away from the mill into the country, because it was easier to keep them from bad influences.

### **Negro families.**

The negro is by nature gregarious and revels in social gatherings. Church is the most common meeting place and never lacks a good attendance. "The most we go," said one mother, "is to church, and that is so often that's all we can do." One takes her "little crowd" and goes to preaching, prayer meeting, and Sunday school not at one church but three—Falling Run, Brown Chapel, and Grays Creek all having her loyal support.

The negro school is often the scene of festivities; concerts are popular, with speaking, singing, and dialogues. A small one-teacher school has been provided with window curtains, a curtain to go across the "stage," and a large hanging lamp—all bought with the proceeds from an ice-cream supper given by the teacher.

There had also occurred recently a "farmers' dinner," a dime party, "pan cake tosses," an Easter barbecue, and a Fourth of July entertainment given by the Masons and the Eastern Star. Here and there a mother of a stricter turn of mind voiced her disapproval of anything of the sort, and merely allows her "children to go to church, or to a funeral, or to a sickness, or something like that, and straight home again." More than one negro mother prided herself upon her severity with her children. "I don't let mine stroll about to learn more devilment," one explained. Negro boys were only slightly interested in athletic sports, swimming, fishing, hunting for birds, squirrels, and rabbits; some few played baseball. One negro family rejoices in a cheap little graphophone which the mother had seen advertised in the papers as a good way to keep the boys home at night.

Clubs and "societies" have a fascination for the negro; most of them are organizations paying a benefit in case of sickness or death. "Society" dues, ranging from 10 to 50 cents a month, are a heavy drain on the poverty-stricken negro family, though payment is kept up even at a real sacrifice, spurred by the dread of sickness or of death and pauper burial. Usually a disproportionately larger amount has to be paid into the organization funds than is ever re-

covered by benefits. Moreover, it is a rule of the orders that no benefit can be claimed if there has been any lapse in payment.

Trips to town are rare, for the negro family is usually without a mule and has to "chance it" with the neighbors or sometimes on the landlord's farm wagon.

Two-thirds of the negro homes are without a newspaper or magazine of any sort, though one mother explained that they sometimes see a paper in the neighborhood, and she thinks "it makes your mind feel better" to read the paper. Another family brought out three mail-order catalogues which constituted the family reading matter for the year.

Among the negro families the consensus of opinion seems to be that "for a regular stay place, country is the best"—a sentiment almost universally expressed but with interesting variations: "I'd rather live in my smokehouse than stay in town"; the country "becomes poor folks better"; in the country "you're not all scrouged up."

Some strongly disapprove of town with its "racket and foolishness" and are convinced that it is well for children to be reared far from such contaminating influences. "Country children always have to work; town children just play and learn badness." Another mother thinks her children are better off in the country where it is more open and the children have room for play.

One knows the country is healthier; there are more odors in town; when she goes in on Saturdays she comes home with a sick headache every time. "There's more pure fresh air in the country," said one, "and folks in town have to eat canned goods. The country's free and easy; you can raise anything you need." Food and fuel are a consideration with the negro family. One said: "The country is best for me, where I can get my living better, and when I get cold I can get me a piece of wood and make me a fire and when I get ready to go somewhere I can go without stepping in somebody's door." Another woman likes the country where she can get her own wood and light, and raise her own "something to eat."

On the other hand, some would rather live in town. "We have to work so hard for something to eat out here we don't want it when we get it," was the verdict of one. Another has a first cousin in town and likes town best, for "everything is handy and you can run out and get what you want." Two negro women wanted to move to town because of hard work on the farm; "it's a heap harder with the sun burning your back up" than work in town. A woman who had come from town where it was "right good and lively" complained that "here you hardly see anyone pass only about twice a month." Another thinks, however, "there's no call to get lonesome in the country; there's always plenty of work to do."

***It is only recently that public attention has been directed to the recreation and social life of rural communities. Certain nation-wide developments, such as the movement for "the school as social center," indicate a marked interest at present in this phase of rural life. An act of the last session of the legislature of this State "to improve the social and educational conditions in rural communities" is in accord with present-day efforts for more widespread opportunities for wholesome means of entertainment and diversion in rural sections of the country.***

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<sup>1</sup> See p. 109.





PLATE XVI.—MOUNTAIN COUNTRY OF THE SOUTHERN APPALACHIANS.



PLATE XVII.—FALLS OF THE TUCKASEEGEE ("SUNNING TURTLE").



PLATE XVIII.—A MOUNTAIN GRIST MILL.



PLATE XIX.—A HILLSIDE CORNFIELD.





**PLATE XX.—GRINDING SORGHUM CANE FOR MOLASSES.**



**PLATE XXI.—BAD ROADS—AN OBSTACLE TO PROGRESS.**



PLATE XXII.—A LOG CABIN IN THE MOUNTAINS.



PLATE XXIII.—A MORE COMFORTABLE MOUNTAIN FARMHOUSE.



PLATE XXIV.—A MOUNTAIN WASH PLACE.



PLATE XXV.—AT THE SPRING.



PLATE XXVI.—"TOTING" FODDER.



PLATE XXVII.—PLOWING FOR WINTER WHEAT.



**PLATE XXVIII.—ON THE WAY TO SCHOOL, CARRYING CORN TO THE MILL.**



**PLATE XXIX.—FRUIT DRYING IN THE SUN FOR WINTER USE.**



PLATE XXX.—STURDY CHILDREN OF A MOUNTAIN SCHOOL.



PLATE XXXI.—A SCHOOL "NINE" WITH HOMEMADE BALL AND BAT.

## **PART III**

### **THE MOUNTAIN COUNTY SURVEY.**

After consulting with various authorities, and after visiting several counties in the western and mountainous sections of the State, a county was chosen for the survey which is thought to be representative of the highland region from topographical, industrial, and economic points of view. It was decided to make the house-to-house study in three distinctly rural townships with a combined population equal to that of the township chosen in the cotton country. The selected areas, while not representative of the most prosperous farming districts of the mountains, are not, on the other hand, an extreme of isolation, but are thought to be fairly typical, embodying many customs and characteristics of the mountain section. From the fact that in the mountain townships chosen, as well as in the lowland county township, all families having children under 16—and not selected families—were visited, we may infer that this is a fair cross section of the rural child population of the mountain country. The survey covered 231 families and included 697 children under 16.

#### **CHARACTERISTICS OF THE TOWNSHIPS.**

The selected townships are at the nearest point 4 miles and at the farthest point 25 miles from the county seat, which is their nearest town. It is a rough and rugged country with mountains ranging from 3,500 to 6,000 feet closing in the district on all sides except along the main highway. The broad, rich valley at the county seat becomes more narrow as the roads wind through the mountains and along the noisy streams. Beautiful natural scenery, blue-misted peaks, laurel-bordered streams, and charming waterfalls are characteristic of the mountain country. The bracing and invigorating climate has become famous for its healthfulness and in near-by counties has attracted large numbers of tourists. The summer is short and a rigorous winter closes in early, contributing doubtless to the hardness of the people. The records of the Weather Bureau over a period of 6 years show a mean temperature of 39° in December to 73° in July and August; a minimum of -9° and a maximum of 96°.

Except for the main highways, the county roads are rough, precipitous, and, in winter, almost impassable. The result is that the mountain family is economically handicapped by the difficulties of

crop disposal and is also cut off from social life within the neighborhood, and from the stimulating intercourse with other communities which makes for progress.

Even the main highways are impassable to automobiles for any distance from the county seat except during the summer months; other roads can not be traveled by automobiles at any season of the year; many, as they ascend into the hills, becoming trails which none but a sure-footed horse or pedestrain would attempt. Occasionally the road ends abruptly at a swift mountain stream, and only a good guesser can tell whether to ford up stream or down to find its continuation. Often the road follows the creek and is subject to fierce storms and freshets which wash out the road, leaving gaps, ruts, and bowlders to impede travel.

There is no railway communication, the townships lying 4 to 25 miles distant from the railroad, but scant telephone service (none whatever in one of the townships), and only a "star route" delivery of mail along the main road between post offices.

A large and varied stand of timber is giving way before the logging camps and sawmills, which are gradually pushing into the more distant mountains. Dilapidated flumes down the mountain sides mark the passing of this industry, or rather the exhaustion of the supply. However, the leading industry of the section is still the conversion of timber into various products, and "nowhere else in the temperate zone," according to Kephart, "is there such a variety of merchantable timber as in western Carolina and the Tennessee front of the Unaka system."<sup>1</sup> Quantities of bark and wood of chestnut-oak and other oaks, hemlock, pine, etc., are sold to the tanneries at the county seat. "Pins"—strips of wood used by the telegraph and telephone companies to hold insulators to the poles—are also sold in quantities.

Unlimited water power is found in this section, utilized mainly for running sawmills and the many small gristmills along the mountain streams, where a certain proportion of the grain ground is charged as toll. Grinding by water power in the primitive but picturesque mountain mill is a slow process; a favorite story is told of a bird that flew into the bin for food but starved while waiting for the trickling stream of meal.

Small mica mines are scattered through the mountains; they are owned and worked by families or groups of interested men and furnish an occupation for odd times. The output is bought by agents who travel through the country representing electrical, automobile, and stove manufactories.

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<sup>1</sup> Kephart, Horace: *Our Southern Highlanders*, p. 54.



The mountain region is said to be a "natural apple-growing section"; also designed by nature for grass growing, cattle raising, dairy farming, and cheese and butter making.<sup>1</sup>

Farming, on account of the topography of the land, is fraught with many difficulties. Bad roads and distance from market also constitute real obstacles, with the result that, while nearly every man considers himself a farmer, his farming is on a small scale, his object being to raise sufficient food for his family rather than to produce a crop for market.

The early settlers of the mountain country were Scotch-Irish who, after a sojourn in western Pennsylvania, reached the southern highlands by migrating southward through the mountains. These Scotch-Irish along with some Irish and some Pennsylvania Dutch, as Kephart points out in *Our Southern Highlanders*, "formed the vanguard westward into Kentucky, Tennessee, Missouri, and so onward until there was no longer a West to conquer. Some of their descendants remained behind in the fastnesses of the Alleghenies, the Blue Ridge, and the Unakas and became, in turn, the progenitors of that race which by an absurd pleonasm, is now commonly known as the 'mountain whites,' but properly Southern Highlanders."<sup>2</sup>

The townships chosen for the inquiry are populated wholly by native white Americans, usually of Scotch-Irish descent. This county, like the lowland county, is considerably more thickly settled than the average rural area of the United States. The population density per square mile is 26.3 as compared with 16.6 for the rural area of the entire United States.<sup>3</sup>

## FINDINGS OF THE SURVEY.

### ECONOMIC STATUS OF FAMILIES.

Mountain homes are scattered along the valleys of the streams and follow the "coves" or depressions in the hillside worn by the swift creeks in their courses down the mountain.

#### Farm acreage.

Little farming is done except on the "bottom land" along the rivers, where the soil is fertile and yields a rich harvest of grain or potatoes, without being fertilized. The mountain sides are cultivated with difficulty; each family has a garden, a hillside of corn, usually also winter wheat, a small plot of tobacco for home use, sorghum for sirup, and ordinarily keeps bees. The average so-called farmer, cultivating only 6 or 7 acres of corn and still less of wheat, usually raises enough foodstuffs to supply his own family, but has no

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<sup>1</sup> University of North Carolina Record, No. 140, p. 29.

<sup>2</sup> Kephart, Horace: *Our Southern Highlanders*, pp. 151, 152.

<sup>3</sup> Thirteenth Census of the United States, 1910, Vol. I, Population, p. 55.

crops to offer for sale. His farm occupies from 50 to 100 acres, only from 10 to 25 acres of which is improved land.

Farming methods in the mountains are primitive. Stolid oxen are commonly the beasts of burden, not only because their cost is less than that of horses or mules but also because they need not be stabled and their strength and endurance particularly adapt them to the mountain country.

#### **Land tenure.**

Although a few families of "renters" were found, home and farm ownership are the rule, and farm tenancy is relatively small as compared with the cotton country. When a young couple marry they usually move into a little house on the old home place, "make a crop" of their own, and live there rent free until the land is divided at the father's death, and the portion on which they are living finally becomes theirs. Five-sixths of the families in the three townships either owned their own farms or lived with the grandparents on their land. The neighborhoods visited included a few families of "renters," usually on the most remote and undesirable farms, often on the mountain tops with no road other than a sledge trail of mud. Some renters' families make their crop on two-thirds shares, furnishing the stock and two-thirds of the fertilizer and getting two-thirds of the crop; others "get what they make" in return for various improvements or services performed, such as clearing the land, building the new house, tending stock, etc.

#### **Family income.**

Farming in the mountain country does not produce a living, and the mountain family must derive its small income from a variety of sources. After the crop is laid by, the farmer and his boys turn their attention to the timberlands, where they peel bark, make pins, and cut acid wood and cord wood to be hauled to "the railroad" and sold for cash. Bark (used for tanning hides at the county-seat factory) is peeled from black, white, and chestnut oaks and from hemlock; and at the time of the survey was sold by the cord at \$11 for the chestnut oak, \$8 and \$9 for black and white, and \$9 for hemlock. Often the farmer hires it hauled to town, paying half what the load brings. Pins for telegraph and telephone poles sell for \$4 per 1,000—extremely poor pay when one considers that it takes a man and a boy two days to make that many pins and two days more to haul them to town. If the farmer hires them hauled, it costs him \$2, one-half the price of the load. Acid wood brings \$5 a load and telegraph poles \$3 apiece. Mica mining adds to the family income in some cases. The mines are small excavations in the hillsides, often manned only by the father and the boys of one family, sometimes with four or five neighbors hired to help at \$1.25 per day. Many of

the men and grown sons go off on what is locally called "public works" during the winter, i. e., at the sawmill, kaolin mine, or lumber camp, where wages at the time of the survey were from \$1.50 to \$2 a day. A few days' farm labor—helping the neighbors after their own crop is made—adds a few dollars more to the credit of the family. Farm work is paid at the rate of \$1 per day for men, 50 cents for women, and 35 cents for children.

A typical family of father, mother, and five children had 15 acres of land in corn; they raised none for sale, in fact had to buy corn for their own use before the season was over. In the course of 12 months they had sold a steer in the "settlement" for \$20 and had traded at the country store about \$15 worth of chickens and eggs, in addition to 3 bushels of beans at \$3 per bushel and 3 bushels of dried fruit at 5 cents a pound; the "men folks" had peeled 5 cords of bark which they hired hauled to town at a profit of \$25 and had made and taken to town 6 loads of "pins" at \$4 a load. The father of the family "went off to public works" for two months in the autumn as a hand at the sawmill, earning \$1.50 per day—a total family cash income from all sources of \$167, which must support a family of seven, covering every expenditure, for a 12-month period.

Even with no expenditure for rent or fuel, and very little for food, the meager cash income of the average mountain family is insufficient for its support in any reasonable degree of comfort. Among the families visited, 3 out of 5 had a net cash income of less than \$200; 4 out of 5 lived on less than \$300; and 9 out of 10 on less than \$500.

#### **Farm expenditures.**

Although the farm income is low, farm expenses are also low; commercial fertilizer is rarely used for corn and not to any extent for wheat, the average family buying only 4 or 5 sacks at \$2 a sack for winter wheat. Hired help is negligible, an occasional day's work is "swapped," and sometimes during the busy season the neighbors help for a few days at a time at \$1 per day.

#### **Methods of purchasing.**

The average mountain family scorns debt and prides itself on paying cash for everything bought. The long-time accounts, credit systems, crop liens, etc., so common in the cotton country, are non-existent in these neighborhoods. Except for such provisions as soda, snuff, coffee, sugar, soap, and kerosene, usually purchased at the country store, it is customary to send to town for food, clothing, and other supplies to be purchased for cash with the proceeds from the sale of a load of bark or pins. Mail-order purchasing is practically unknown. When something is needed between trips to town, the woman of the house trades a chicken or two at the country store. Eggs, dried fruit, butter, etc., are also disposed of in this way.

**Disposal of crops and other produce.**

Most of the small amount of farm produce sold is disposed of in the "settlement," i. e., among the neighbors. Corn, potatoes, wheat, sirup, stock, hogs, and sheep are usually marketed in this way. Meats, butter, apples, beans, and cabbages are often hauled to town; sometimes corn and potatoes also. Marketing produce in the rough mountain country is a difficult problem. In some neighborhoods visited the haul to market is from 15 to 25 miles over rough roads—at least an all-day trip and often requiring a day each way. Some few farmers haul their produce to the mill towns of South Carolina—a four to six day trip in "prairie schooners," camping out by the roadside at night.

**HOME CONDITIONS.****Housing.**

The average mountain home is picturesque rather than comfortable. With his own hands the early settler built for his family a one-room cabin of rough-hewn logs with a deep-sloping shingled roof; no windows, no porches, a door at each side, and a fireplace of rough field stone chinked with mud. So substantial were these early homes that many are still occupied, still attractive, the weathered logs in perfect harmony with the surrounding hills. The log cabin, however, is no longer built; it has been largely supplanted by two other types of homes—the rough shack of undressed upright boards, and the more comfortable modern clapboarded cottage of at least four rooms, with porches, often an upper story, and usually ceiled. Sometimes the old and new exist side by side, with a clapboarded wing, porches, and windows added to the original log cabin.

The interior of a mountain cabin is often unusually interesting; its walls and rafters darkened from the smoke of the open fire in the rough-stone fireplace; stubby little split-bottomed chairs drawn up before the fire; deep feather beds spread with gay patchwork quilts; clean flour sacks of dried beans and apples stowed away in every corner; and festoons of red pepper, strips of pumpkin, and drying herbs hanging from the rafters. A spinning wheel often occupies the place of honor on the front porch, and hanks of snowy wool hang from the rafters waiting to be knit into wool socks for winter wear. On the hillside back of the house one finds a colony of bee-hives locally known as "bee gums," commonly of black gum logs hollowed out and capped with a square piece of board.

In a typical log house of one room, shed, kitchen, and loft—a quarter of a mile up a steep mountain trail from the nearest neighbor—a father and mother are rearing their six children. Asters and cosmos, towering head high, almost obscured the house from view; a little creek dashes past, 50 feet below. Trays of apples and beans were drying in the sun. Inside, the house was not ceiled and the

mother had papered the walls with newspapers which, she said, "turned the wind" and kept them warmer and more comfortable, though not so warm as a "tight" (sheathed or plastered) house would.

A little two-room cottage, almost hidden from the road by a dense intervening wilderness of laurel and rhododendron, is the home of a family of father and mother and five children; the house, of upright boards, ceiled inside, was immaculately clean and in perfect order at 8 o'clock in the morning. Snowy hand-woven counterpanes covered the three homemade beds. The open fireplace held an iron pot of beans cooking for dinner. The porch was piled high with wool drying in the sun, and the yard was clean and bright with flowers.

An occasional painted two-story farm dwelling shelters the members of a family who have prospered at farming and on "public works" until they are the owners of a considerable tract of land and are leaders of the settlement in which they live. Comfortable house furnishings, two fireplaces, porches—front and back—a capacious barn, good spring house, and well-built privy all testify to a prosperity above the average.

The common type of mountain home, however, is lacking in certain essentials of a comfortable dwelling place, the most frequent defects being insufficient space, which necessitates overcrowding; insufficient light, due to the small number and size of windows; and the difficulty of heating when the house is a loosely constructed log cabin or unceiled cottage.

A majority of mountain homes in the townships visited were small in spite of the abundance of timber in the vicinity; over one-third are one- or two-room houses; less than one-fifth have more than four rooms. Limited house space coupled with families above the average in size (in over half the homes visited there were six or more persons in the family) results in overcrowding within the house, often quite as serious as in the congested sections of cities. In one-fourth of the homes there were five or more persons to each sleeping room; 38 families of two to nine persons were housed in one-room cabins, cooking, eating, and sleeping in one small room.

At one home a grandmother, a great-grandmother, and three boys—8, 15, and 21—all sleep in one room. A family of father, mother, and 10 children were living in a cabin of two rooms and loft. At another home the father, 19-year-old son, and two young daughters slept, lived, and ate in one room, cooking in the fireplace.

Keeping the house warm in winter is a difficult problem with most families. Many houses are unceiled, with cracks between the logs or undressed boards. Even with these cracks chinked up with mud

and good fires in the open fireplaces and in the cookstove, the house is far from comfortable.

### Sanitation.

**WATER SUPPLY.**—Almost every mountain family draws its drinking water from a clear sparkling spring, which is counted as one of the family's choicest possessions. "It's good water," said one mother, "everybody says it's the best water in this country." Another woman, who had just returned from a visit to her daughter in town, "could hardly drink the town water." She would "drink and drink and then wasn't satisfied."

That there is a real danger lurking in the use of spring water in a locality where insanitary conditions prevail is as yet unrecognized. Many springs are below the house and in a position to receive the house drainage. Lack of privies greatly increases the danger of contaminated water.

Of the 10 wells in the neighborhoods visited, only 3 are of the drilled type—usually considered the safest form of water supply for rural households. One family has had a well drilled through solid rock from top to bottom; the top is cemented, and the well is provided with a good pump. At one home, an open well had been in use until three years ago when, after a case of typhoid fever at the next house, the county physician condemned the well and had the family sink a new one, which is closed in with a tight board platform and has an iron pump.

Another family uses "branch" water through the winter; the spring is so far away that carrying water such a distance in rough weather would be a great hardship. In this case, though there is no house above the family on the "branch," there is no reason to believe the branch water would be free from pollution, for the settlement is not remote, and there is considerable passing back and forth over the mountain.

**PRIVIES.**—Sanitation falls far short of present-day standards for rural communities. Privies are extremely rare, only 1 family in 10 having a toilet of any description. It is not uncommon to find a considerable prejudice against them, many families disliking, as do some families of the cotton country, the idea of filth accumulated in one place. Where a toilet is present at all it is usually for reasons of privacy; i. e., where the house fronts a frequently traveled road, with no woodland in the immediate vicinity. The intimate relation between good sanitation and good health is little understood. The few privies in the neighborhood—25 among the 231 families visited—are almost invariably built far out over the "branch," the contents washing down the swiftly moving stream. The State board of health is constantly emphasizing the importance of improved rural sanitation and pointing out the direct connection between lack of privies

and the transmission of such diseases as typhoid, hookworm, and the diarrheal diseases.

**DISPOSAL OF REFUSE.**—Garbage is commonly fed to the hogs; other refuse is either burned or thrown, with small idea of a sanitary disposal, into a hollow down the hill, into the branch, raked away from the house, or thrown into the woods.

Manure accumulates in the stable to be used as a fertilizer twice a year, for spring corn and winter wheat. No attempt is made to treat it in such a way as to guard against flies. It is quite common, however, for the barn to be located at some distance from the house, often 100 or 200 yards away, or "on the other side of the hill." Where this is the case, the fly nuisance is less objectionable, but by no means negligible.

**FLIES.**—Flies are numerous because of the primitive, insanitary conditions prevailing; mosquitoes, however, are rarely if ever seen. No one of the homes visited was adequately screened; some few have screen doors or screens at doors and kitchen windows, but it is only in rare cases that any attempt at screening has been made.

#### MATERNITY CARE.<sup>1</sup>

During the inquiry 160 mothers, who had given birth to a child—live or stillborn—within five years previous to the agent's visit, were interviewed with especial reference to their maternity care at their last confinement.

Large families are common in the mountains; the women marry early and bear children at frequent intervals. Slightly over two-thirds of the mothers had married at 20 years or younger and nearly half at 18 years or younger. Of 103 women visited, who had been married 10 years or more, 90 (87 per cent) had had 6 or more issues.

#### Facilities for medical, hospital, and nursing care.

Facilities for the care and treatment of sickness are strikingly lacking in this county. Only five physicians<sup>2</sup>—four at the county seat and one in a village where a normal school is located—overburdened almost to the breaking point, are the dependence for medical service of a population of 13,718.<sup>3</sup> This is an average of 2,744 persons to a physician, which is over four times as many as the average (691) for the United States.<sup>4</sup> The concentration of physicians at the county seat is to be expected, for social and financial reasons; but, because of rough roads, at times almost impassable, and an absence of telephone communication, also because of the prohibitive expense of a day's trip from physician to patient, the greater

<sup>1</sup> See discussion of general need for maternity care as given for the lowland county, p. 26.

<sup>2</sup> American Medical Directory of 1916, pp. 1153, 1163.

<sup>3</sup> Estimated for 1916 by the U. S. Bureau of the Census.

<sup>4</sup> American Medical Association Bulletin, Jan. 15, 1917, p. 99.

part of the county is practically cut off from medical service. There is no physician resident in either of the three townships of the survey, and the families live from 3 to 25 miles from the nearest doctor.

The county has no hospital, the nearest being located at the county seat of the adjacent county, reached once a day by mail stage across the roughest of mountain roads. No trained nurses are resident in the county, and patients are entirely dependent upon the well-meaning but untrained services of neighbors and relatives.

#### **Maternal deaths.**

The maternal mortality of the county indicates a need for consideration of the problems of prenatal and obstetrical care. During 1916 there were three deaths in the county from causes connected with childbirth,<sup>1</sup> a rate of 21.9 per 100,000 population.<sup>2</sup> Here, as in the lowland county, it is impossible to determine whether this rate is sporadic or usual, since mortality statistics for the State and its counties are not available earlier than 1916, when the State was admitted to the area of death registration; also, a rate is often misleading when the area is small and a small number of deaths are considered. However, it is significant that this rate is higher than the rate (17.3) among the white population of the lowland county, approximately the same as the rate (21.1) for the white population of the State as a whole, and distinctly higher than the average for the death registration area of the United States in 1915 (15.2).<sup>3</sup>

#### **Prenatal care.**

Prenatal care of mothers in the mountain country, as in rural sections of the lowlands,<sup>4</sup> is practically nonexistent: even mothers living within 6 or 8 miles of a physician rarely consulting him during their pregnancy, content usually with notifying him of the expected confinement. Even this precaution is often omitted and valuable time is lost hunting a substitute when the family physician is away on a call. No one of the 160 mothers visited can be said to have had the supervision which has been described as constituting "adequate" prenatal care.<sup>5</sup> Of the 160 mothers, 124, or more than three-fourths, had had no advice or supervision whatever during their pregnancy, and no prenatal care of any sort; only 7 had seen a physician previous to confinement; and only 1 had had urinalysis. Twenty-eight mothers had been visited by the midwife before confinement—visits, however, usually social rather than professional in character and not involving a physical examination of the mother.

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<sup>1</sup> Information furnished by the bureau of vital statistics of the State board of health.

<sup>2</sup> Based on the U. S. Census's estimated population of 13,718 for the county in 1916.

<sup>3</sup> See *Mortality Statistics, 1915*, p. 51. U. S. Bureau of the Census, Washington, 1917. Sum of the rates there given for "puerperal fever" and "other puerperal affections."

<sup>4</sup> See p. 29.

<sup>5</sup> See p. 30.



**Attendant at birth.**

Because of the inaccessibility of physicians,<sup>1</sup> the midwife has necessarily been employed to a large extent for obstetrical work.

The more prosperous and intelligent families called a physician to attend the mother in confinement; 68 of the 160 mothers had been attended by a physician at their last confinement; the others, with the exception of 2 where a relative assisted and 1 where there was no attendant whatever, depended upon neighborhood midwives. In 5 cases at the last confinement and many times in previous confinements the doctor had been late, not arriving until after the birth of the child. Several families who had intended to employ a physician failed altogether in their efforts to reach him.

This inability to secure adequate medical attention at childbirth had often resulted disastrously. A mother in a remotelittle cabin far up on a mountain trail was very miserable during pregnancy. Twice a week for the last two months her husband went down the mountain to the nearest store and telephoned to the doctor in an effort to keep him informed as to her condition. When labor came on, however, it was impossible to get the doctor, and the mother suffered all night before he arrived and delivered her. One of her twins died at birth.

The doctor was sent for one night to attend a woman in confinement, but the country was "all frozen up" and he said that he could not make the 8-mile trip until the next day. A midwife was called in; the mother's health has been poor ever since this confinement.

A mother whose baby died at birth is confident the child would have lived if they could have got the doctor there in time.

One woman had twins several hours apart; the doctor was late and the mother thinks that without the assistance of a midwife she and the second baby would have died. After this experience she engaged both doctor and midwife for each confinement. The doctor was late also when her last child was born.

Another family tried all night to get a doctor, but the babystrangled before he reached them, though it was born alive.

At one home a midwife was engaged, but when summoned had gone to a "union meeting" at the church and failed to arrive until three hours after the baby was born.

A mother who has lost two of her five children in stillbirth does not know the cause; the babies were both alive when labor began, but the mother always has had a long tedious labor. She never has had a doctor.

A mother of nine children, too isolated in her home at the end of the trail for a doctor to reach her without excessive delay, has never had a doctor in attendance at confinement. On two occasions a midwife

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<sup>1</sup>See p. 67.

was engaged, but the mother's experience has led her to feel slight confidence in midwifery, and she now prefers to manage for herself, with the aid of her husband and what information she can get from the woman's page of their farm paper. When her first child was born, the midwife came four days before; this made extra cooking for the mother who, in addition, had to carry wood and water. When it was found to be a case of breech presentation, the midwife did not know what to do, and became so excited that she had to be sent away because she was disturbing the mother.

**MIDWIVES.**—All the 11 midwives living in the district studied were interviewed, also 2 from an adjoining township who are sometimes engaged by women of this section. Eleven are white and 2 negro, ranging in age from 39 to 65 years. Five can read and write and 2 state that they can read but not write; only 3, according to their reports, are licensed by the State board of health. The experience of these 13 women in midwifery had extended over periods of from 5 to 25 years.

Charges ranged from \$2 to \$5, \$3 being the common price. Services rendered included delivery and from one to three postpartum visits if within walking distance. If desired, they stayed from two to seven days, assisting in the work of the household after the mother and baby had been made comfortable. In this case, an extra charge of \$2 per week was made.

None of the midwives report any supervision of pregnancy, physical examination of the mother, or urinalysis. With the exception of one who recommends that her patients use sulphur freely to regulate the bowels, no prenatal advice of any sort is given.

In preparation for their cases two midwives use carbolic or antiseptic (bichlorid) tablets; four merely wash their hands. One midwife owns a bag and carries carbolic acid, antiseptic tablets, and spirits of ammonia. Three attempt no preparation of the patient. Ten prepare the bed if they arrive in time. All use old quilts, though four have clean linen before and after confinement, if possible. Quinine, black-pepper tea, red-raspberry, lady-slipper, and other teas are commonly given to hasten confinement. Other remedies are sweet apple bark, cinnamon, garden sage, black gum, star root, hemp, and bead wood.

From one to three examinations of the mother are usually made during labor; three midwives make no examination, one because she believes in letting nature take its course. Another makes no examination so long as the patient seems to be doing well. One makes an immediate examination, for she wishes to be honest with the patient and with herself, and if the child is not "properly placed" wishes the doctor called at once.

Nine have never called a doctor, though a few would do so if the patient were not doing well—that is, if there were a prolonged labor (24 hours or more), a "preternatural present," rigors, or nervousness.

**Postnatal care.**

Usually the doctor makes no return visit to the mother after the birth of the child; of the 68 mothers attended by physicians only 9 had had any medical supervision after childbirth. The distance from the physician, the almost prohibitive cost of his visits, and the lack of recognition by the mothers of the importance of after care are generally the deterrent factors.

The midwife, if living any considerable distance away, stays sometimes several hours, occasionally for two or three days; where she is a near neighbor it is customary for her to "drop in" every day or so in passing. Of the 89 mothers attended by midwives, in 7 cases the midwife had remained in the home; in 40 she had made one or more postnatal visits. Even the mothers attended by midwives, however, in many cases were left entirely to their own resources after the child's birth.

**Nursing care in confinement.**

Trained nursing in confinement is wholly lacking. No one of the mothers visited had had the benefit of either a trained or "practical" nurse during confinement; 11 had been nursed by the attending midwives. Of the 160 mothers, 148 were dependent upon untrained nursing—that is, members of the household, relatives, neighbors, or friends.

**Rest before and after confinement.**

Though not under the strain of helping make a crop for market as in the eastern county, much of the burden of providing for the family falls upon the mother, who often feels that she can not spare the time either for sufficient rest before or a reasonable convalescence afterwards.

As a rule, however, during this period, other members of the family take over the heavier part of the mother's work—washing, milking, and field work; for the last three months of pregnancy, at least, the average mother stops helping with the field work. Thirty-five of the one hundred and sixty mothers, about one-fifth, had continued their field work beyond three months before confinement, this depending largely upon the season of the year in which confinements occurred. Certain weeks of summer and autumn are the busy seasons with the crop, when all possible help is needed in the field.

In this section the mother's period of rest in bed after confinement is usually limited to from 7 to 10 days. About one-third of the mothers visited were in bed two weeks or more, though in a few exceptional cases they were up and about their work in three or four days. A strong wholesome-looking mother of seven children told the agent that everybody wonders that she does not break down and get old; she thinks it is because she is careful to rest sufficiently after

her children are born. She works up to the last minute, for she feels stronger when carrying her children than after confinement; afterwards, however, she rests for a month, which she thinks is "every woman's entitlement."

### **Mother's work.**

The work of the mountain mother is burdensome and she bears more than her share of responsibilities of the household. Her housework includes washing, ironing, cooking, cleaning, sewing, and often spinning and knitting for the family. Handicapped by lack of modern conveniences, her task involves undue hardship. In most of the homes cooking is done on a small wood stove, with none of the modern conveniences; often the only implements are iron kettles, pots, and ovens which may be used interchangeably on the stove or in the fireplace; the latter is still preferred by many for baking corn bread and sweet potatoes. A scant allowance of fuel is provided from meal to meal. During a rainy spell, or when the father is away or sick, or the children off at school, the mother may be left without fuel, though wood grows at her very door.

Carrying water, a toilsome journey up and down hill several times a day, usually falls to the lot of mother and children. No one of the families visited had water in the house or on the porch, and only 1 out of 5 within 50 feet of the house. Twenty families carried water over 500 feet and 8 families were from an eighth to a quarter of a mile distant from their springs.

The wash place, consisting of tubs on a bench and a great iron wash pot in which the clothes are boiled, is usually close by the spring. Much straining and lifting and undue fatigue are involved in this outdoor laundry. Sometimes even a washboard is a luxury, substituted by a paddle with which the clothes are pounded clean on a bench or a smooth cut stump.

Much of the family bedding is homemade, the work of the women and girls in their leisure hours, after the crops are laid by or in the evening by the fireside. Besides the time-honored "log cabin" pattern, their collections of patch-work quilts include such quaint and intricate designs as "Tree of Life," "Orange Peel," and "Lady of the White House." Many a mountain home has its spinning wheel still in use and occasionally one finds an old-fashioned hand loom. Some homes display a collection of coverlids and blankets, handmade at every step of the process. The wool was grown on the home farm; sheared from the sheep; washed, carded, and spun by the women and girls of the family; dyed, sometimes with homemade madder, indigo and walnut dyes; and woven on the loom into coverlids and blankets. Even the designs are often original or variations of old favorites, like the "Whig Rose," "Federal City," and "High Creek's Delight by Day and Night."

The other duties of the mother are largely seasonal. From December to August the children are home from school and she has their help. Together they make the garden; help plant the corn and peas for winter; gather them when ripe; pull fodder and dig potatoes; feed the stock; and perform the usual farm chores of milking, churning, and carrying water. In many homes the mother may be found doing chores which are usually considered a man's work, unduly prolonging her working hours and exposing herself to more stress and strain than is compatible with her own health or that of the children she is bearing.

It is uncommon for help to be hired in the home, except occasionally for a few days during confinements. Moreover, with the exception of sewing machines, household conveniences are totally lacking. Hard-working women complained that the men have planters, drills, spreaders, and all kinds of "newfangled help," but that nothing had been done to make women's work easier.

Practically all the mothers visited, besides their housework and chores, had helped in the fields more or less—hoeing corn, pulling fodder, and so forth. Of 212 mothers, 188, almost nine-tenths, had worked in the field before marriage; 167 since childhood; and 166, or three-fourths of the mothers visited, had helped in the field after marriage.

A woman's field work in the mountain country is not so extensive or fatiguing as in the lowlands where the cotton crop requires the constant labor of the entire family many hours a day during a long summer and autumn. In the mountains, little farming is done, the average family raising no appreciable farm produce for sale. The woman helps plant and hoe the corn and in the autumn helps harvest the crops—stripping fodder, carrying it to the barn, making sirup from sorghum cane, picking beans, gathering apples, and digging potatoes. Her field work is not arduous in itself, but only because it is undertaken in addition to her already numerous duties—caring for the children, housework, sewing, canning, and chores.

#### INFANT CARE.

##### Infant mortality.

These townships of the mountain country have a considerably higher—that is, less favorable—infant mortality rate than any of the rural sections so far studied by the Children's Bureau. Of 1,107 children born alive, whose birth occurred at least one year before the family was visited, 89 had failed to survive their first year, an infant mortality rate of 80.4 or a loss of one child in 12. This rate (80.4) is almost twice as high as among the white children of the lowland county (48), and considerably higher than the infant mortality rate in the county studied in Kansas, computed on this same basis, which

was 55 per 1,000 live-born children. Kephart<sup>1</sup> mentions the high infant mortality among the mountain children:

Mountain women marry young, many of them at 14, 15, and nearly all before they are 20. Large families are the rule; 7 to 10 children being considered normal and 15 is not an uncommon number; but the infant mortality is high.

The infant mortality rate shows a considerable variation with the age of the mother, being least favorable where the mother is under 20 and most favorable between the ages of 25 and 29.<sup>2</sup>

**AGE AT DEATH AND MOTHER'S STATEMENT OF CAUSE OF DEATH.**—A proportionately greater loss of infant life occurred within the first two weeks than at any other time within the year, as repeatedly shown in previous studies of infant mortality. Of the 89 infant deaths, 38, nearly half, had occurred within the first two weeks; 7 were deaths of babies 2 weeks, but less than a month old; 17 were 1 month, but less than 3; 8 were between 3 and 6 months; and 19 were 6 months, but less than 1 year. The proportion of infant deaths occurring in the last half of the year is considerably higher than is common and may be attributed about equally to feeding disorders and to disturbances of the respiratory tract.

Prematurity was the most important cause of infant loss in these communities. Of the children that failed to survive their first year, one in four (22 out of 89) had been prematurely born. "Bold hives" is a term encountered throughout the mountains, used loosely to designate infant ills of various sorts, particularly gastro-intestinal disturbances and croup. Seventeen babies, according to the statement of the mothers, had died of the "bold hives." Ten infant deaths from gastro-intestinal causes and 14 from respiratory causes were reported, besides those which may have been included in the blanket term "bold hives." There were 2 deaths from measles and 2 from whooping cough. Eight were due to the following causes: 1, "scrofula"; 1, "eczema"; 1 was "found dead in the morning"; 1 was "always sickly"; 1 "took fits"; 1 was "malformed"; 1 "died all at once"; and 1 was "drowned." In 14 cases the cause of death was not reported.

<sup>1</sup> Kephart, Horace: *Our Southern Highlanders*, pp. 258, 269.

<sup>2</sup> The rates are as follows:

Age of mother.	Infant mortality rate.
All ages.....	80.4
Under 20.....	133.9
20-24.....	94.3
25-29.....	60.0
30-34.....	60.9
35-39.....	84.6
(40 and over not shown because such a small number of births occurred at this age.)	

**STILLBIRTHS AND MISCARRIAGES.**—The proportion of children still-born (2.3 per cent) is slightly less than in the lowland county for either white (3.9 per cent) or negro (3.5 per cent) mothers. A somewhat larger percentage of pregnancies had, however, terminated in miscarriages, 5.5 per cent, as contrasted with 3.6 per cent for white mothers and 5.4 per cent for negro mothers in the lowland county.

#### **Infant feeding.**

Feeding records, covering the history of the baby's feedings during the first year of life, were obtained for the last child under 5 years and included 160 children.

As in many rural districts, infant feeding follows traditional methods. Distance from the physician is so great that his supervision of feeding is out of the question, and books and magazines with articles on infant care are extremely rare. The result is that the mother relies wholly upon the advice of relatives and neighbors and her own experience.

Breast feeding is universal. Every one of the 157 babies for whom records were secured had had some breast feeding from birth up to the ninth month. Weaning is commonly left to the inclination of the baby itself; of the 67 babies weaned by the time of the agent's visit, only 10 were weaned before reaching their first birthday. Commonly they were 13 to 18 months old (33), while 17 were 19 months to 2 years, and 4 were over 2 years at the time of weaning.

In addition to the breast milk the average baby is given from an early age a taste of everything the mother eats. As a rule hunger is the only recognized cause for crying, and the mother's indulgence knows no bounds when it comes to feeding her baby. That the child's stomach is overloaded by indiscriminate and unwise feeding is due not at all to indifference but to her determination that he shall not go hungry.

Catnip, ground ivy, or red alder teas are commonly given in the early months—almost universally for the first three days. Usually after three or four months the child is "fed" tastes of solid food. One mother fed her children after three weeks. "When I went to the table they went with me," she said. Another had fed her last baby catnip tea, coffee, and sweetened milk during the first three days, then sugar and milk to the second month, and after that everything she ate. Her babies "mighty near live on sugar till they are big enough to eat." Often it is the children who "spoil" the baby and begin his irregular habits of eating.

Many, of course, are more careful with the baby's diet. "It doesn't do them much good if you keep burning them up with strong meat and vegetables," had been the experience of one mother. Another had fed her first and second child from birth, but is convinced that she made a mistake, and therefore gave the third and fourth nothing but the breast.

## PHYSICAL CONDITION OF CHILDREN FROM 1 TO 15 YEARS OF AGE. -

**General health.**

Without a physical examination it is, of course, impossible to make any but the most general statements as to the health of the children visited. The most common illnesses, according to the mothers, are associated with the gastro-intestinal tract—colic, diarrhea, dysentery, and cholera infantum being reported in many cases. Next in frequency came the complications of the respiratory tract, locally designated as "phthisicy" conditions, which were found in numerous households. The child would "choke up" with cold, and be "wheezy," and so forth. "Pneumonia fever" and pleurisy were terms loosely used, but were recognized as being illnesses of serious import.

Contagious diseases, especially measles and whooping cough, were common in spite of the remoteness of the homes. With no public health protection, at the time of the inquiry, in the forms of quarantine, placarding, reporting, and no medical inspection of schools, the children were continually at the mercy of such diseases. Diphtheria and typhoid have also been fairly common. A number of cases suggestive of meningitis were reported and six known cases of infantile paralysis were found (occurring previous to 1916), besides others which it was impossible to verify. Unlike the lowland county, malaria is rare in this region.

Hookworm or "dew poison" is common, almost universal, among the barefoot children of the mountains. A hookworm campaign was conducted in the county in 1913 by the Rockefeller Sanitary Commission, now the International Health Board of the Rockefeller Foundation. During the campaign 1,202 persons were examined, of whom 774 or 64.4 per cent were found to be infected. This campaign, like that in the lowland county, was confined to the examination and treatment of individuals and did not include the erection of privies throughout the county, which has been the important feature of the more recent campaigns. The efficacy of hookworm treatment is now recognized in this county, but only continued educative work along sanitary lines and a widespread provision of sanitary privies can make such a campaign effectual. When even the schools are not equipped with privies of any description, the public can not be expected to take very seriously the menace of soil pollution.

An interesting disease peculiar to this mountain region and to parts of New Mexico and Tennessee is the milk sickness, or "milk sick," as it is persistently called. This affects all ages alike and is often urged as a reason for substituting other foods for milk for young children. It is said that one or two men of the county claim to be specialists in the disease, which is, however, almost invariably



fatal; and not only the public but also the skilled and experienced medical profession of this vicinity have a wholesome dread of "milk sick." The disease is thought locally to have occurred only where the cow has been pasturing in certain shady coves of rich vegetation and usually in the spring of the year. It is said that as these coves are cleared of their dense vegetation milk sickness disappears.

According to Rosenau,<sup>1</sup> milk sickness—

was once very prevalent throughout the central part of the United States, and was one of the dangers our pioneering forefathers had to contend with. In some localities the disease was so prevalent and fatal that whole communities migrated from the milk-sick sections to parts where the disease did not occur.

We are told by Col. Henry Watterson that Nancy Hanks, the mother of Abraham Lincoln, died from this disease in 1818 after an illness of a week. In the words of Col. Watterson, "the dreaded milk sickness stalked abroad smiting equally human beings and cattle." \* \* \* It is an acute, nonfebrile disease due to the ingestion of milk or the flesh of animals suffering from a disease known as "trembles." The affection is characterized by great depression, persistent vomiting, obstinate constipation, and a high mortality \* \* \* there is no known cure or prevention except the elimination of the disease in cattle, which fortunately is rapidly taking place.

Neglect of the teeth, eyes, and ears is particularly noticeable in these communities and affords a common cause of distress and disability. The average child is in serious need of dental attention; several cases of "sore eyes" and of trachoma were found; running or "healing" ears was a common occurrence, a number of children having defective hearing due to lack of suitable attention.

#### **Mortality and mother's statement of causes of death.**

Forty-six deaths of children from 1 to 5 years of age had occurred, of which the largest number, according to the mother's testimony, were due to respiratory diseases—4 of pneumonia, 3 of croup, 1 of diphtheria, 4 of whooping cough, and 1 of "lung trouble." Seven children were said to have died of meningitis, 4 of flux, 2 of cholera infantum, 2 of typhoid, and 2 had been burned to death. According to the mother's testimony, in other cases death had resulted from scrofula, bold hives, spinal disease, paralysis, drowning, stomach trouble, diarrhea, "rising" of head and throat, scarlet fever, fever, inflammation of stomach and spine, teething, and 1 "because it was a blue baby." Ten children had died between the ages of 6 and 16 years, of meningitis (2), diphtheria, pneumonia, Bright's disease, worms, typhoid, scarlet fever, 1 from drowning, and 1 of whose death the mother could not give the cause.

#### **Medical care.**

The rural child of the mountains, just as was the case with the rural child of the lowland county, instead of being immune from the ills of the city child, is subject to the same diseases and, in addition, is seriously handicapped by the lack of available medical service.

<sup>1</sup> Rosenau, M. J.: *The Milk Question*, pp. 129, 130. Houghton-Mifflin Co., Boston and New York, 1912.

The area studied was from 4 to 25 miles from a licensed physician. The nearest substitutes were two men supposed to be specialists in the treatment of "milk sickness," an Indian doctor living somewhere in the mountains who was said to be an expert in "summer complaint" and skin eruptions, and medical students or traveling practitioners who sometimes pass through the country. The five licensed practitioners of medicine resident in the county,<sup>1</sup> even working to the limit of physical endurance, find it quite impossible to reach the whole countryside. It is unavoidable that the children should suffer from this lack of medical or public-health supervision.

One home is 20 miles distant from the nearest doctor—a day and a half's journey unless one travels by night. Once, 10 years ago, the family sent for the doctor, but he was unable to get a horse, so failed to arrive. The mother in this home is exceptional. She has 11 fine, robust children, all of whom are living, and has amassed a fund of common-sense methods which she applies in rearing her family single-handed, as she must, being completely cut off from medical advice.

This mother "begins with their diet"; she sees to it that they have plenty of fruit, vegetables, milk, and eggs the year round. The baby's milk has her particular attention; she is careful to keep it perfectly clean and has a big box over the spring where the milk can be kept cool and good. She has the children bathe regularly, change their clothes often, and sleep in fresh air summer and winter. She says "the boys are in the river most all summer." When the children appear ill she sends them to bed without supper—only a drink of water, keeps something hot at their feet, gives them salts, and takes care that they are clean "inside and out." Due to the mother's skilled nursing, the whole family weathered even smallpox without a doctor.

### Home remedies.

The mountains are full of fragrant herbs noted for their medicinal qualities. Every home, however small, has its stock of herbs, gathered by the housewife each in its proper season and stage of development. The most commonly used were catnip, pennyroyal, and ground ivy for colds and grippe and "to break out the hives"; bone-set for coughs and fever; life everlasting, lady slipper, and red raspberry for colds or fever, stomach trouble, or headache, and to "quiet the nerves and make a body rest"; red alder for hives; goldenseal for colic, stomach trouble, sore throat, fever, and as a tonic; partridge vine (also known as wallink, pheasant berry, one berry, and mouse-ears) to break out the hives; black-snake root for cramps, colic, colds, and fever; camomile for stomach trouble; ginseng for colic, stomach trouble, hives, sore throat or mouth; and gulver root for the

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<sup>1</sup> See p. 67.

liver. "All sorts of teas" was one mother's explanation of her habits of doctoring. On the other hand, with some families teas are not in favor; one mother "hardly ever uses teas any more"; and another "never could see that teas and such do much good."

Homemade salves, poultices, and liniments are numerous. For sores a salve of heart leaves, carpenter leaves, or balm of gilead, rosin, and fresh butter stewed down; for rheumatism a liniment of kerosene, turpentine, camphor, and apple vinegar in equal parts, with salt; for coughs, a sirup of catnip, horehound, Indian turnip, and honey; and for cuts, bruises, and sores "tincture of lobelia," made by chopping the whole plant and making a strong extract, then adding whisky and straining.

In addition to teas, oil, salts, turpentine, paregoric, sulphur for sores, a patent "pneumonia cure," and various forms of cordials and "drops" (soothing sirups) are popular. Patent medicines are not patronized to any great extent.

#### Diet.

With the excellent climate and soil of this section a variety of diet is possible. The average family raises in small quantities cabbage, potatoes, beans, beets, onions, tomatoes, corn, sweet potatoes, and pumpkins; occasionally peppers, kershaws (a species of squash), cucumbers, parsnips, and turnips. Fruits are limited to apples, which are raised in abundance, wild grapes, and occasionally peaches. Cereals, milk, and eggs are more common than in the lowland county, and besides the pork—the main dependence of the families in the lowland county—there are also poultry, beef, and mutton.

From spring to autumn may be seen the systematic preparation for winter. Aside from the storing of grain, potatoes, and apples, each yard has its stretchers of drying peas, beans, sliced sweet potatoes, and apples; poles strung with great orange rings of pumpkins, bunches of tawny tobacco and fragrant herbs. Porches are hung with festoons of peppers, onions, and leather breeches (beans strung in the pod). When dried, these stores are neatly packed in "pokes" (flour sacks) and stored for winter.

Much fruit is canned—apples, berries, peaches, etc.—in boiling water without sugar. Jars are packed with wild grapes and filled with boiling sirup; jam, jelly, fruit butter, and pickles of all kinds are made. Apples are "bleached" in great quantities—a process which keeps them white, moist, and juicy like fresh apples, but requires no sugar nor cooking. The apples are peeled, sliced, and turned into a covered barrel or cask with a perforated bottom through which fumes of sulphur are allowed to percolate. The receptacle is kept covered by only a heavy cloth, and apples are added from time to time, and subjected to the same process. Kegs of kraut are made

and gallons of beets and beans similarly packed. In fact, if all housewives showed the same thrift, economy, and ingenuity characteristic of the mountain woman, this country would produce enough food and to spare.

The mothers are earnest and hard working in their efforts to do their best for their children, but they lack an understanding of the needs of the growing child. This was shown in the unsystematic, promiscuous feeding, in the preparation of underdone starches, in excess of fats, and in a too hearty diet. Three heavy meals a day are served and food ad libitum between times—potatoes, beans, peas, meat, and big doughy biscuits, or partially cooked corn bread.

This county has no home demonstration agent, no farmers' institutes with their sessions for women—in fact no organized means for an exchange of stimulating ideas and improved methods of household management.

#### EDUCATION.

In spite of the compulsory-attendance law, the mountain child in the townships visited is not getting his just educational rights. He attends school during the five months' term in a hit-or-miss fashion for a few years, then stops altogether, at an early age, usually under 16 years, before he has acquired even the first essentials of an education. "They have it here now so the children have to go to school," said one mother approvingly of the school law. Another, however, thinks the State has no right to compel children to go to school and then fail to provide good roads and transportation; her children are obliged to cross a deep and very swift creek; the uncertain foot bridge is often out of place; and the children often come home wet to the waist after fording the stream.

#### School term and attendance.

The school term, at the time of the inquiry, covered from four to five months, usually beginning the first of August and extending to the middle of December. The midwinter school term, customary in most parts of the country, is impossible in this section because of the rough weather, bad roads, and distance of the children from the school; in the spring the children are needed at home to help with the planting.

For one reason or another schooling is continually interrupted, the most common causes being farm work—particularly "fodder pulling" in the fall of the year—and bad weather. In one family the children missed two months out of the five-months' term; they have to "stop out and help a lot" and besides "when it gets too cold and rough they can't travel this mountain." Such irregular schooling discourages even the most ambitious. For example, a 16-year-old boy who has gone a while every year but has had to stop to gather

fodder, plow, sow wheat, etc., is so "disheartened" at falling behind his classes that he threatens not to go any more.

A number of homes have no school within a reasonable distance; one-third of the families visited are 2 miles or more from the school; in 39 families children of school age are not compelled to attend at all, since there is no school within  $2\frac{1}{2}$  miles of their home, which is the greatest distance they can be compelled by law to travel. An unusually bright, alert 11-year-old boy has only 11 months schooling to his credit; he wants to be in school, but the family lives on a remote mountain top and the 6-mile round trip to the school would be too much for him. The mother of a 9-year-old "teaches him at home." "He's so young and it's so far to walk, and school is confining on a young one," she says. At the home of a family of "renters" living  $3\frac{1}{2}$  miles from the schoolhouse, the father is distressed because his three children—aged 10, 12, and 14—are having no schooling; it is impossible for them to go such a distance, especially since they have to travel a steep trail straight up the mountain. He has been hoping for a school nearer in order that the children may attend regularly. "There wouldn't be any day so cold but that we could wrap them up and send them, then," said he. The children's mother thinks "it looks like a renter's children ought to have a chance as well as anybody's." One of the schools attended by the children visited is badly located on the summit of one of the highest mountains in the whole system. A strong, robust adult would find the long climb up the mountainside a trying ordeal. For little children it is almost impossible, and irregular attendance is the result.

Although the majority of children begin school at 6 years of age, over one-fourth are not sent until they are 7 or older because of the distance they would have to travel and the rough weather to which they would be exposed. As a rule a child has stopped school before he is 16.

The short school term and irregular attendance are probably responsible for the slow progress made by many of the children. It was surprising to find that over one-third of the children 10 to 20 years old in the three townships visited were unable to read and write.

#### **Attitude of parents toward education.**

At a number of homes, instead of making school a serious business, there seemed to be a tendency on the part of parents to humor the children in their whims. Three children—aged 6, 8, and 10—who did not like the teacher, were allowed to stay home whenever they pleased. Another teacher is severe with the children and the father is afraid to make his boys attend against their will "for fear something will go wrong." One mother "never sends hers until they want

to go; children never study to do good until they take the notion," she said. Another thinks if you send them at 6 they "get a disgust at school and want to quit." In one family the oldest child, aged 14, is sickly; "he couldn't go and we kept home the other one (13 years) to humor him," said the mother.

Many parents, however, in spite of the hard struggle to make a bare living on the mountain hillsides, with "fighting blood" aroused are trying to give their children every possible opportunity for schooling. A mother who herself had to work from early childhood has always sent all her children to school with a grim determination to give them a "grand education"; she cheerfully shoulders the farm work, pulling fodder, cutting tops, etc., in the field all day that the children may be kept in school. In another mountain home there hangs a framed certificate showing that a 9-year-old girl, the youngest in the family of 10, was neither absent nor tardy during the entire school term last year. A girl of 14, another "youngest child," has gone to seven "schools" (school terms) and has never missed a day or been late. One mother, herself illiterate, "wants her children to be well-educated so they can read the Bible."

A large family in a poverty-stricken little home at the foot of a high mountain, many miles from the nearest town, has had all kinds of bad luck, and if it had not been for the mother's ambition for them the children could not have had a chance. Once when there was an unusually good teacher at the subscription school, and the family could not afford to send the children, the mother went to the teacher and asked him if he would accept the heaviest pair of wool blankets she could weave instead of tuition. He agreed. She later made the same arrangement with one or two other teachers. When the time came to send the two oldest girls to the town school, the mother and the oldest boy took a cane mill over the mountains, making sirup on shares, wherever people raised cane. They sold sirup and made enough to start the girls, borrowing the rest with the understanding that the girls would pay it all back the first year they taught. At the town school the girls made gratifyingly high records in scholarship. The mother is a splendid type of woman, desperately anxious that the children shall "learn and get ahead."

It is customary in this county for the teacher to take the school census before the term begins, a plan which gives her, often a stranger in the neighborhood, an excellent opportunity to visit and get acquainted with the children's parents. During the term, however, little visiting is done; occasionally the teacher goes home with one of the children for the night and occasionally a mother or father visits the school to explain why their children must stay at home and help with the crops. Nothing like the parent-teachers' associations of the cities has ever been organized and there seems to be little coop-

eration between the parents and teachers in planning together for the best welfare of the children.

#### Need for medical inspection of schools.

Several children are missing school because of physical defects, some of which might easily be corrected; with medical inspection of school children and the "follow-up" visits of a public health nurse, much of this absence could be avoided. A 9-year-old boy has been in school for two years, but could not learn anything, so his father took him out last year at Christmas; his eyes were bad and everything blurred when he tried to read. No efforts have been made to have his eyes examined and he will probably be out of school indefinitely. A 12-year-old crippled child will have but little schooling, though a special shoe might remedy the difficulty. The school is only an eighth of a mile away, but the road is rough and slippery, crossing a creek by a foot log, through a boggy meadow, and up a steep rocky hill.

#### School facilities.

Seven district schools are available for children of the three townships visited; only two of the seven are one-teacher schools. In one school the children can advance as far as the eighth grade; in three, to the seventh; and in the others no higher than the sixth. The schools have not adapted themselves to farm life; none is equipped for domestic science; none is emphasizing improved methods of farming.

Teachers' salaries are low; of the 13 teachers in three townships, 8 were paid at the rate of \$40 per month, a total of \$200 for the five months' term; 5 received only \$30 a month, or \$150 for the entire school year.

The schools are well built, ceiled, painted, and in good repair. It was interesting to learn, however, that in order to build the two newest schoolhouses, no school was held for a two-year period in these two school districts, this being the only way funds could be diverted for that purpose.

School equipment is meager and antiquated. Only three of the seven schools have desks and chairs of graduated size, each accommodating two children. The other four manage as best they can with long, old-fashioned, homemade benches, which are uncomfortable, can not be adjusted to the size of the individual child, and afford no desk space. Books, papers, etc., must be held on the lap, which makes it particularly difficult for the children to learn to write. Blackboard space is insufficient, and two of the schools have neither a map nor a globe. Schoolbooks are another of the teacher's problems, the law requiring them to be furnished by the parents, who are often unable, sometimes unwilling, to provide a complete set. In a remote one-teacher school only two boys were supplied with the full collection

of books used in their classes. At another school, the teacher reports, they scarcely average two books to a class.

All the schools are heated by unjacketed wood stoves. The older boys keep the stove supplied with wood, chopping it during school hours; the boys work in relays for a week at a time, losing most of the morning lessons during their "turns."

Only two of the seven schools have libraries, in spite of the ease with which one can be secured. The State school law provides for the establishment of permanent school libraries at rural schools, on condition that the local district raises \$10; \$10 is then added by the county and \$10 by the State, and the fund of \$30 used to purchase books from a list approved by the State superintendent. The State library commission at Raleigh also has available for loan a traveling library which costs the borrowers only the freight both ways.

#### Sanitation.

Sanitary conveniences are lacking. One only of the seven schools is provided with a privy for the girls. The other schools have no toilets whatever—a particularly dangerous condition in a country where the spring, so easily polluted, is the common source of drinking water. All the schools obtain their drinking water from springs. A State bulletin<sup>1</sup> stresses the importance of privies at the public school as follows:

In a few sections of our State it is a regrettable fact that at some schoolhouses no provision whatever is made for the proper care or disposal of this excrement. Near-by woods and undergrowth form the only means of privacy. As a matter of fact, it is really more essential that a school be provided with at least two good privies than that it have desks or even a stove. There is absolutely no argument in favor of not having good privies. The absence of such sanitary precaution jeopardizes the lives and health of the teacher, children, and community. Many typhoid fever outbreaks are spread directly by this means.

#### The school and the community.

The mountain schools are not availing themselves of their opportunity to build up a community spirit and a well-knit community life in their districts. The school building is all too rarely used for purposes other than the school session. Where the church has no building of its own, the schoolhouse is used for church services; also for an occasional political meeting. Two schools have special Friday afternoon programs with recitations or a spelling match; in another there is a fairly well-organized literary society, which meets once a week. The fact that this is attended by the whole neighborhood emphasizes the need of social diversion. One teacher had once arranged a Thanksgiving celebration; another had an entertainment in October; and usually "school closing" is observed by some sort of special program. Aside from these few efforts, the schools contribute nothing to the social life of the neighborhood.

<sup>1</sup> Plans for Public Schoolhouses and School Grounds, pp. 69, 70. Issued from the office of the State superintendent of public instruction, 1914.



**CHILDREN'S FARM AND OTHER WORK.****Field work.**

The mountain child, as well as the child of the cotton country, does his liberal share of the field work, besides his regular chores at the house and barn. Over nine-tenths of the children visited, 8 to 15 years old, and 11 younger than 8 years, worked in the fields along with their parents, helping to sow and harvest the crops; a number also helped in the timberland after the crops were laid by.

In a typical mountain family, the two boys of 11 and 14 help with the plowing and the planting of corn, dropping and covering the corn by hand, also helping to plant beans and potatoes. Through the summer they hoe corn, and in the autumn pull fodder, gather corn, pick beans, gather apples, dig potatoes, and help make sirup. Their two little sisters of 8 and 9 hoe corn irregularly through the summer and in the autumn pick beans, gather fruit, and help their mother dry the apples and beans for the winter. The children attend to most of the chores also—the boys cut the wood, see that the fires are kept up, and feed the stock; the little girls assist in the home work and help bring in wood and water.

Plowing in preparation for the crops, usually with a one-horse plow, is the work of the men and the older boys. Eighty boys from 9 to 15 years old were "regular plow hands."

Corn is usually dropped by hand; planters are rarely used, partly because of the expense and partly because they are less satisfactory on the steep hillsides. A father of eight children was asked why he had not bought a corn planter. "I already have eight," said he. Forty-two children, boys and girls, "dropped" corn.

Hoeing corn requires the services of the entire family. Practically all the children who did field work of any kind (234 out of 240), hoed corn—children of all ages from 5 to 15 and both boys and girls. Fatigue and some muscular soreness result from the constant striking with the hoe and from maintaining the same slightly stooping posture, grasping the hoe handle in the same position. As a rule, however, in the mountain country the corn field is a mere "patch" and the labor involved is spasmodic, a few days at a time or a few hours a day, unless the family is hard pressed with work after wet weather. In a family of 10 children, the 15-year-old "dropped and the others covered corn; and all who were large enough hoed corn." These children work from 8 in the morning until "just time to go after the cows."

Many children miss school for two or three weeks during the fall of the year to help with fodder pulling.<sup>1</sup> Two hundred children, 132 boys and 68 girls, pulled fodder; 33 were young children 6 to 10 years old, 82 were children under 12 years.

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<sup>1</sup> For description of fodder pulling, see p. 51.

Children also help bring in the fodder. If it has been tied to the stalks to dry, the stalks are cut by hand, loaded into a wagon or sled, hauled to the barn, and stored away. This can be done only by the men and older boys. Where the fodder has been stacked in loose bundles, even a young child can shoulder and "tote a bundle or two of fodder" to the barn. The fodder is not heavy but rough to handle; it cuts and chafes the skin. Some farmers cut and shock the corn. When this method is followed, only the older children help. The stalks of corn and fodder are gathered, stacked lengthwise about a single stalk, and bound around with a blade of fodder—an operation involving some muscular strain and requiring strength, height, and arm reach, since the corn is tall and the stack large around.

Men and older boys also gather the corn and haul it in. The ears are broken from the stalk, tossed into a wagon or sled, and hauled to the barn. One hundred and four of the older children helped gather corn.

Wheat—a winter crop in this section—is commonly sown broadcast, usually by a full-grown man, sometimes by the older boys, who must be skilled and experienced in order to get the seed scattered evenly. Wheat is sown in the autumn and harvested the next summer. Cradling is the work of a grown man; the boys and girls help in raking, binding, gathering, shocking, and hauling the wheat.

"Grass," or hay, is cut by the men and older boys; mowing machines are occasionally used on "bottom land," but the old-fashioned scythe is necessary on the hillsides. Strength and muscular force are required to swing the heavy blade. In making hay, men and older boys rake the hay from the ground, toss it onto a wagon or sled, and haul it to a corner of the field, where it is forked off and built into one or more stacks, according to the size of the crop. A boy doing this kind of work must have strength enough to toss the hay onto the stack, and strength and height enough to handle the fork.

Tobacco curing, in the mountains, far from being the elaborate process found in eastern North Carolina, consists simply in hanging the leaves out somewhere in the open air to dry, under a shed or on the porch. When the leaves have been stripped from the stalk, they are tied in bunches and suspended from a pole to dry, then done up into twists by the children.

Making sirup from sorghum cane utilizes the labor of every member of the family. Eighty-seven children helped with the sirup making. The older boys help cut the cane and carry it over their shoulders to the cane mill or load it on a sledge drawn by a steer, and bring it down the hill. At the mill a child of 12 can feed the cane between the revolving cylinders, which crush the cane and

extract the juice. A younger child often drives the horse, mule, or steer which furnishes the power to run the mill. After the juice has been extracted from the cane, it is strained once or twice through cloth—"a flour poke"—into a long deep vat, in which it boils for from two to three hours. Women and older girls do the straining. While it boils, the thick scum which continually rises must be kept skimmed off, always the work of the older people; toward the end one of the grown women of the family must be on hand to judge when the proper consistency has been reached; after the sirup is taken from the fire it is strained once more; here again the older children help.

#### Chores.

The mountain child also has a variety of chores about the house and barn. The boys cut wood and bring it in, carry water to the house, take water and dinners to the men in the field, drive the cows, feed the stock, carry slops, run errands, and "go to mill" with corn, while the girls help with the cooking and sewing; cleaning, milking, and churning; drying beans; drying, bleaching, and canning fruit; and taking care of the chickens.

The boys' share in getting in the wood lies in cutting it into lengths with an ax or crosscut saw. Only a few days' supply is made ready at a time, and wood is cut all through midwinter in all kinds of weather. It is hard, fatiguing work, and involves the danger of injury with the saw or ax. Various odd jobs fall to the lot of the older boys, such as clearing ground, cutting briars, chopping weeds, and building fences; that is, simple rail fences, the common type in the mountain country.

If a child is undeveloped, he is spared the usual chores and occasional field work of the average country child.

#### Lumbering.

After the crops are laid by, the older boys help their father in the timberland, supplementing the scant family income by hauling to town a few loads of bark or pins. In the spring when the sap rises is the time for stripping the bark. After the tree has been cut down, a steel wedge is slipped between the bark and trunk, forcing the bark off in strips—the work of a grown man, sometimes done by a boy of 15 or 16 if large and well grown. The boy's share of the work usually is to pile the bark out of the way as it is stripped, for drying. In late summer the boys help load it on the sled or wagon. Boys also assist in guiding the sled, drawn by a steer, down the mountain to the wagon road; the bark is then ready to be loaded on the wagon and hauled to town. Working with the bark requires considerable strength and muscular force, and fatigue and muscular soreness result from such heavy work. Thirty-six boys from 8 to 15 years and two girls had helped peel bark and pile it out of the way.

Pins formerly were made of locust and brought a good price but, owing to the scarcity of that wood, the industry is no longer profitable and is reserved for odd times. Oak is now used. The tree, after being felled, is sawed with a crosscut saw into 14 to 16 inch lengths; a boy 10 years old can take one end of the saw, his father taking the other. Twenty-five boys and two girls, from 10 to 15 years of age, helped make pins. The actual making of the pins requires two persons, one with an ax and wedge, the other with a maul—home-made of tough, fine-grained hickory. The first worker dents the timber with his ax, then inserts the wedge and holds it in place, while the second deals the wedge a blow with the heavy maul, splitting the timber. The boy usually holds the wedge while the older man wields the maul; occasionally they change about to "spell" each other. As a rule, only a rather well-grown boy over 12 would help make pins, since he must have bodily strength and muscular power sufficient to handle the heavy maul and crosscut saw.

Usually only older boys are sent to town with a load of bark or pins, though two boys—11 and 13—have been making the 12-mile trip alone for three years, driving a double team of horses, mules, or steers. It is usually an all-day trip; the roads are bad, with deep mud holes, bowlders, etc., and are so narrow that considerable maneuvering is necessary in order to pass another team. The boy must have strength, muscular power, and size enough to hold back a double team down the steep hills; also alertness, for the main roads to town are traveled by cars as well as teams. The trip involves fatigue and muscular and nervous strain. Bark is driven to the acid factory at the county seat and unloaded by the driver; the factory buyer weighs it and pays by the cord, standard prices, according to whether it is chestnut oak, white oak, black oak, or hemlock. Pins are hauled to the railroad and sell as a rule for \$4 per 1,000.

#### **Working hours.**

Working hours on the mountain farm are irregular. So little land is cultivated that farm work is not continuous; on some days a few hours during the day, on others nothing but chores. During the busy seasons all hands put in a full day's work in the field; but these seasons are concentrated into a few weeks—during spring and autumn plowing, in the summer after wet weather, and at harvest time. Although each family has its own custom, usually a workday begins about 6 in the spring and summer, 7 or 8 in the autumn, and ends at sundown, with an hour off for dinner. Some families prefer to "lie late" in the morning to avoid the heavy dew, and then work until dark instead. The children of one family work from "dawn to dark" when not in school; they are up before dawn, do the chores, feed stock, gather fruit, carry slops, do the milking, then go to the field.

**Wages when at work away from home.**

As a rule, the children doing farm work, work only on the home farm, helping their own family. A few of the older children, usually over 12, also work out for wages, often for relatives, a day or two at a time and not more than two or three weeks during the season, when work on their own crop permits. Some instances were found of younger children working out. A 10-year-old boy hoed corn about 10 days last summer, making 50 cents a day for a 10-hour day. A boy of 11 hoed corn for his uncle during the past two summers, five or six days each summer, at 25 cents for the regulation 10-hour day. Two boys of 8 and 10 hoed corn and helped with the fodder at 25 cents per day. A boy of 11 plowed, hoed, helped with the hay, corn, and sirup for a few days at 40 cents a day.

**RECREATION AND SOCIAL LIFE.**

Social life in the mountains is extremely limited, in most neighborhoods resolving itself into attendance at "preaching" once a month, Sunday school "rally," and county fair once a year, and visiting among the neighbors in the immediate vicinity.

Even church is often inaccessible and out of the question in rough weather. A mother of a poor tenant family high up on a mountain top laments that her children never get to Sunday school or "preaching"; on Sunday she reads the Bible to them and has the blessing, and "that's the best I can do," she said. Another mother takes her children to church once a month and to Sunday school occasionally. They have no way to go, however, unless they walk and it is "much too worrisome a trip with children." A family, out of reach of church in any direction, explained that they used to have preaching over across the mountain, but not enough people went, so the preacher refused to come any more.

Where the children can get to Sunday school their enjoyment of it is intense. A little 10-year-old girl has kept all her Sunday school cards from last year and this, and has them pasted on a piece of cardboard and tacked up on the wall. The annual Sunday school "rally" is one of the few community gatherings to which all the families take their children and their dinners, and spend Saturday and Sunday at the church, singing and visiting and listening to the "circuit rider." Elaborate preparations are made; hogs and beef are butchered, chickens killed, all the best jellies and preserves are brought out, and bread and cake baked in abundance for the picnic dinner spread beneath the trees.

The schools, as has been said, are used very little for social purposes. One school until last autumn had never had an entertainment as far back as anyone could remember, another had planned for one last year, but it rained. At a more enterprising school, however,

was found an interesting and flourishing literary society, so successful that it is filling the schoolhouse at its Friday night meetings. At one of the meetings, after several recitations by the younger children, six of the older boys debated cleverly on "*Resolved, That Washington deserves more credit for defending America than Columbus for discovering it.*"

Lack of organization, of community interests, and of "teamwork" have long been characteristic of the mountain people. Aside from the few men who maintain membership and a lukewarm interest in the Masons, Odd Fellows, or "Juniors," there are no clubs of any sort in the neighborhoods visited. In less than one-tenth of the families was there any member of the family belonging to a social organization.

Books are seldom bought and, as a rule, only from traveling agents; a very miscellaneous collection of reading matter is secured in this way. Newspapers and magazines are rarely found in mountain homes. Over half the families visited take no periodical of any sort. The county paper is subscribed to most frequently; about one-fourth of the families were taking farm papers. Only 9 of the 231 families visited had subscribed to any of the woman's magazines.

One father would take a newspaper, but can not spare the time to make the 11-mile round trip to the post office across the mountains—almost a day's journey. A magazine, particularly if illustrated, is treasured highly. A 14-year-old boy is "so fond of reading that when he has a book or paper he won't go to bed until he has read it."

The smaller children, as well as the older ones, are in need of means for recreation. The play spirit is conspicuously absent. Toys are uncommon; the few dolls of the neighborhood are too highly prized for common use as playthings. A little crippled girl has two Christmas dolls, still in the boxes in which they came two or three years ago, tacked up against the wall.

The isolation of the mountain people, particularly the women and children, their lack of intercourse with their neighbors, with the townspeople, and with the outside world can not fail to impress the visitor. Bad roads and lack of conveyances, together with scarcity of telephones and absence of mail service close at hand, are largely responsible for cutting off the family from outside communication. The rural free delivery has not yet penetrated to the neighborhoods visited. They have instead the "star route" system by which the mail carrier travels only the main roads between post offices. Families living at a distance from the post office find it difficult to make the journey for their mail with any regularity. One family, at the end of a steep mountain trail, visited September 5, had not been to the post office for mail since July.

Trips to town are infrequent. Town shopping for the whole family is largely intrusted to the "men folks," and their many natural blunders in selections of feminine apparel are accepted with stoical fortitude. "There's no call for me to go to town," said one woman. In a probably typical family the father goes to town every week or two, the mother once or twice a year, and the older children about as often as the mother, though they "are like their father and would go every week if they had a chance."

Often it is the difficulty of taking young children that keeps the family so closely at home. A mother, who has not been to town for three years, "likes to go, but with such a crowd of children (seven) she can't figure how to take them all along." A mother at the end of a lonely trail has never been to town in her life; she has not been to the country store—5 miles away—since her oldest girl (now 15) was a baby, but "aims to go next spring if she lives and nothing happens, and do her own trading again." A mother who leads a lonely life, with her husband off on "public works" and the children at school, has never been to a fair or a show in her life and never gets away from home at all except to her nearest neighbors, a quarter of a mile down the mountain. A bad trail, merely a sledge road straight up the mountain, leads to their cabin, the last of that cove; it is rarely that anyone comes along that way. Another has never seen a railway train in her life; she went to the county seat once with her husband—15 years ago, the day after she was married—but the train was late, and it was so cold that they could not wait and had to come back to the mountains without seeing it. Her husband gets to town two or three times a year. None of the children has ever gone except the oldest, who went last year to "show the doctor her tonsillitis."

Few families have a conveyance of any sort; aside from three surreys in the neighborhoods visited, travel must be performed in a farm wagon or, more commonly, afoot. Sometimes the wagon, loaded with pins or bark, drawn by a pair of oxen, is accompanied to town by various members of the family who, though walking, can easily keep pace with the slow-moving oxen. One family that seldom leaves the neighborhood had "planned on going" to the county fair this year, but could not get room in the neighbor's wagon and owned no team.

Few of the families visited expressed any desire to move to town. A mother of 13 children was proud of the fact that "not one of my children wants to go to town to live." Of one man strongly averse to town it was said "the quickest he can get away is too long for him."

Some of the mountain families visited had lived elsewhere and returned to the mountains. A family consisting of father, mother, and four children are all glad to get back from the mill village.

The mother thought she could not endure spending her life there where she had to put each child to work as soon as possible. She had been so sorry for the country people who had sold out before going to the mill and had no home to come back to. Another family had tried the mills for three years but were glad to get back to the mountains, "where there is freedom and enough to eat and burn." In another family the children all liked the mill town better than the mountains, and the family would have stayed there, but contracted measles; one boy died, and the grandfather was ill for four or five months. Another mother has no use for a cotton mill, "you burn up in there with no air; the children never got to sit down from the time they went in in the morning till they came out at night, 11 hours."

On the other hand, the hardships of the mountains have so impressed themselves upon the lives of the people that some are anxious to leave for the sake of the children, if not for themselves. A mother in a lonely cabin on the mountain top does not like the mountains, but "a poor man can't buy a river farm." She "wants to move down lower because of schooling and preaching."

Another woman on one of the best farms in the country, who was herself reared in town, wishes to move back to town next year that the children may be near good schools and get to church and Sunday school and have the doctor at hand. Also, she misses the fresh meat and the good things one can buy in town. One mother complains that "a body has to work mighty hard to live and hardly can live in this country." Another "would rather live in a smoother place than in this steep country, but not in a city; it's too binding in"; she wants to "make her own beans and roasting ears."

One family is divided among itself; the father has no use for towns, the mother would not live there unless she could have her garden and chickens; she "would rather live on a farm if she had a real farm, but gets tired of these mountains where you can't raise anything." The two oldest girls are not satisfied with the old cabin on the creek and want to move to town, and the boys, too, "want to go where they can see more."

Rural communities such as have been described in this mountain county, where isolation and a lack of community spirit are characteristic, are especially in need of such plans as the State superintendent of public instruction and the executive secretary of the State bureau of community service are developing in connection with a recent act of the legislature to provide for the incorporation of rural communities.<sup>1</sup>

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<sup>1</sup> See p. 109.



## PART IV.

### SUMMARY AND CONCLUSIONS.

The findings of these surveys of child care in a typical lowland or cotton-raising county and in a typical mountain county of North Carolina are significant not only for the counties studied, but also for rural areas in many of the southern States.

The population of the areas studied is uniformly native-born American of native parentage—in the lowland county about evenly divided between the whites and negroes, and in the mountains exclusively white. In the lowland county, farming is pursued largely under a system of tenancy, two-fifths of the white and three-fourths of the negro farmers visited being tenants. Farm acreage is small; about half the white and over four-fifths of the negro farms visited are "one-horse" farms; that is, worked with one horse or mule, and with only approximately 25 acres in cultivation. Cotton is the "money crop" and is an expensive crop to produce. The small tenant operates his farm under the heavy handicap of the crop lien system.

In the mountain county, farming, on account of the topography of the land, is attended with difficulties. Although nearly every man considers himself a farmer, he farms on a small scale, with the object of raising sufficient food for his family rather than producing a crop for market. The average farm occupies some 50 to 100 acres with only 10 to 25 acres of improved land. The scant income derived from farming must be supplemented by the sale of timber products at the county seat, by mica mining, and by "public works" at the sawmill, kaolin mine, or lumber camp. Although there were a few families of "renters," tenancy is not nearly so common as in the cotton country, and the majority of families own their homes and the land on which they live.

The children's home environment in the lowland county families visited varies widely according to the economic circumstances of the family, the children of the landowners having more comfortable as well as more healthful surroundings than the tenant's children. Lack of sufficient house room at many tenant homes is perhaps the most serious housing defect, resulting in overcrowding, particularly of sleeping quarters. Sanitation is a serious problem; more than half the homes of white families and four-fifths of the negro homes

have no privy of any kind; at a number of homes, drinking water is obtained from a dug well—obviously an unsafe source of supply, particularly in a district where soil pollution is widespread.

The typical mountain home is picturesque rather than comfortable. Certain housing defects are common; notably lack of sufficient house space, which results in overcrowding, especially of the sleeping rooms; insufficient light, many of the older cabins having no windows other than heavy wooden shutters, which, when closed, leave the room quite dark; and the difficulty of heating loosely constructed cabins and rough board houses during the severe winter weather. Sanitation is primitive. Nine families in 10 have no toilet of any description. The spring, the common water supply, is dangerously subject to pollution because of the absence of privies.

Both counties have a strikingly high maternal death rate from causes pertaining to childbirth—in the lowland county, 41.5, and in the mountain county, 21.9 per 100,000 population, as compared with the rate, 15.2, for the entire area of death registration.<sup>1</sup> In the lowland county, though the rate for white women, 17.3, is somewhat higher than the rate for the death registration area, the high total death rate is due to an alarmingly high rate, 93.9, among negro women.

An urgent need for provision for maternity care was one of the most important findings of the survey; facilities for guarding the health and life of the mother at childbirth are totally inadequate in the rural communities visited. In the lowland county, though two-thirds of the white mothers were attended in childbirth by a physician, one-third of the white mothers and over nine-tenths of the negro mothers had employed a negro midwife. A physician was often out of the question for various reasons such as cost, distance, scarcity of telephones, and bad roads during part of the year. It was evident from the testimony of the mothers that the midwife was a precarious dependence when complications had arisen. Ample facilities for hospital care are available at the county seat, from 4 to 14 miles distant, where two hospitals are located. This county has also made an excellent beginning in public-health nursing, with a nurse for white and one for negro women; their time, however, is so largely occupied at the county seat and in the surrounding mill villages that they are unable to render any appreciable amount of nursing service in the rural districts of the county. Few of the mothers visited had had any prenatal advice or attention. Nursing care at confinement, except in a few families who had engaged a midwife as nurse in addition to the doctor, consisted of the untrained services of relatives and neighbors; none of the mothers had engaged

<sup>1</sup> Mortality Statistics, 1915, p. 59. U. S. Bureau of the Census, Washington, 1917. Sum of the rates there given for "puerperal fever" and "other puerperal affections."

a trained nurse, and only two a "practical" nurse. The majority of the mothers also failed to receive adequate supervision during their convalescence after childbirth.

In the mountain county no physician is resident in any of the three townships of the survey, and the families live from 4 to 25 miles from the nearest doctor. There is no hospital within the county, the nearest being located at the county seat of the adjacent county, reached once a day by mail stage across the roughest of mountain roads. There are no trained nurses in the county, and patients are dependent upon the well-meaning but untrained services of relatives and neighbors. Trained nursing in confinement was wholly lacking. No one of the mothers visited had had the services of either a trained or "practical" nurse during confinement; some few had been nursed by attending midwives; the others, by relatives, neighbors, or friends. Prenatal care is practically nonexistent; more than three-fourths of the mothers visited had had no advice or supervision whatever during their pregnancy. Over half the mothers were attended in confinement by a neighborhood midwife. Inability to secure medical attention at childbirth had sometimes resulted disastrously, according to the testimony of the mothers. Postnatal visits are rarely made by the physician, but where a midwife lives close by, which is often the case, it is customary for her to "drop in" every day or so in passing.

The Children's Bureau, in a publication on *Maternal Mortality*,<sup>1</sup> suggests that the following plan is essential in order to secure adequate medical and nursing care for mothers and babies in a rural county:

1. A rural nursing service, centering at the county seat, with nurses especially equipped to discern the danger signs of pregnancy. The establishment of such a service would undoubtedly be the most economical first step in creating the network of agencies which will assure proper care for both normal and abnormal cases. In the rural counties in the United States which already have established nurses, the growth of this work will be watched with the greatest interest.

2. An accessible county center for maternal and infant welfare at which mothers may obtain simple information as to the proper care of themselves during pregnancy as well as of their babies.

3. A county maternity hospital, or beds in a general hospital, for the proper care of abnormal cases and for the care of normal cases when it is convenient for the women to leave their homes for confinement. Such a hospital necessarily would be accessible to all parts of the county.

4. Skilled attendance at confinement obtainable by each woman in the county.

In the lowland county, the most immediate need in respect to maternal care seems to be for the employment of a rural nurse for the white and one for the negro women of the rural sections of the

<sup>1</sup> Meigs, Dr. Grace L.: *Maternal Mortality from all Conditions Connected with Childbirth in the United States and Certain Other Countries*, p. 27. U. S. Children's Bureau Publication No. 19. Washington, 1917.

county, which are now out of reach of the public-health nurses at the county seat. Prenatal care and assistance at confinement, also postnatal supervision and advice as to the care of the young baby, would be important phases of the work of the rural nurse. In the mountain county, a cottage hospital at the county seat would prove of value to the mothers within a radius of a few miles; while roads continue to be as poor as at present, however, any facilities at the county seat will be inaccessible to the greater part of the county's rural population. There is an obvious and immediate need for rural nurses, to visit the mothers in their own homes. This county at present, unlike the lowland county, has no public-health nurse. The ways in which a nurse could be of help to mothers in this district have been indicated.

Although even one public-health nurse in a county can accomplish much along educational lines as to the proper maternity and infant care and the care of the school child, on account of the territory to be covered, one nurse alone obviously can not meet all the needs of the rural mother and child. The ideal which has been attained in a few counties is the division of the county into smaller districts with a county nursing service and community nurses; in a small district the nurse can do bedside nursing and nursing at the time of confinement, as well as more general educational work. Methods of initiating a rural nursing service on the county plan are described in a recent publication of the Children's Bureau<sup>1</sup> as follows:

In certain counties the work was established at first through private subscriptions; enough money was raised in this way to support a nurse for a period of 6 to 12 months; after the value of the work had been demonstrated the county authorities appropriated money to continue it. This was in recognition of the fact that public-health nursing is not a charity but is a measure for health protection to which all the people of the community have a right. In one county in a Middle Western State a federation of women was formed which included all the organizations of women in the county—women's clubs, ladies' aid societies, and parent-teacher associations, as well as small neighborhood groups of rural women. Largely through the efforts of this federation a tax was levied by referendum vote and a large sum of money provided for health work. Two nurses are now employed by this county.

In many counties the nursing service has been established through the employment of a nurse for the rural schools, and this method has proved very successful. In other counties the nurse has begun her work as a tuberculosis nurse; in others as an assistant to the county health officer. Whatever the beginning of the work, the nurse soon finds that the assistance which she can give to mothers in the care of themselves and of their babies is one of its most important developments.

In planning a rural nursing service two things are essential:

1. Every effort should be made to get the right nurse. The nurse employed should have had training in public-health or visiting nursing such as is given now in many training courses, and should also have practical experience. Nurses who have had hospital training only are not fitted to carry out public-health nursing successfully.
2. Ample provision must be made for transportation through the county.

<sup>1</sup> Moore, Elizabeth: *Maternity and Infant Care in a Rural County in Kansas*, pp. 49, 50. U. S. Children's Bureau Publication No. 26. Washington, 1917.

The communities visited in the lowland county have a low rate of infant mortality—48 per 1,000 live-born white children, a loss of 1 child in 20, and 64 per 1,000 live-born negro children, a loss of 1 child in 16. The considerably higher death rate among negro infants, as well as the previously mentioned higher maternal death rate among negro mothers, indicates a need for further efforts directed toward prenatal, maternal, and infant care for the negro population. The mountain townships visited have a considerably higher—that is, less favorable—rate of infant mortality than either of the rural sections so far studied by the Children's Bureau. Of 1,107 children born alive at least one year before the agent's visit, 89 had failed to survive their first year—an infant mortality rate of 80.4, a loss of 1 child in 13 as compared with a rate of 55 in a Kansas county studied by the bureau,<sup>1</sup> and 48 in the lowland county of this survey. Even in the mountain county, however, the rate of infant mortality is low as compared with the rate in cities and towns.

In the mountain county, prematurity was the most important cause of infant loss. One child in four that failed to survive its first year had been prematurely born. Moreover, nearly half the infant deaths had occurred within the first two weeks. This is additional evidence of the urgency of prenatal care for the mother, additional evidence also of the need for a rural nurse who as one of her duties would advise the mother as to prenatal and infant care.

It is significant that the comparatively low rate of infant mortality of the rural communities visited, in both the lowland and the mountain county, is coincident with universal breast feeding of infants. In the lowland county, all the 78 white babies for whom feeding histories were secured had been nursed during the first five months; of the 86 negro babies, all were breast fed during their first two months; in the mountain county, every one of the 115 babies for whom feeding histories were secured had been nursed from birth up to at least the ninth month of age. In both counties nursing is usually continued well into the second year. In addition to breast feeding, however, the babies are often indulged from an early age in tastes of family diet.

The interest shown by the mothers in having their children examined at the children's health conferences held by the Children's Bureau in the lowland county, suggests the desirability of a periodic examination of infants with opportunities for informal advice to the mothers as to infant care. Such examinations might be held by physicians, with a public-health nurse in attendance, at accessible centers scattered through the rural sections of the county. The nurse might also establish her headquarters at these centers where

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<sup>1</sup> *Maternity and Infant Care in a Rural County in Kansas*, p. 41.

she could be available for consultation with mothers who need her advice and from which centers she would visit homes and schools of that district.

The rural child is subject to the common diseases of the city child and is handicapped by the lack of medical care in sickness. In the absence of a physician within a reasonable distance, and of a county nursing service, the mother is thrust upon her own resources in case of sickness, and must rely largely upon home remedies. In the lowland county, patent remedies, especially croup and cough "cures," liniments, soothing and teething sirups, remedies for women's diseases, and for constipation have a widespread sale. A recent "secret remedies" bill recommended to the State legislature of 1917, by the State board of health, failed of passage. In the mountain families, and in some of the white and most of the negro families of the lowland county, "doctoring" with native herbs is customary. A periodic physical examination of the school children, as proposed by the State board of health, should be an important step in the checking of disease.

Family diet from the point of view of the growing child leaves much to be desired; it is probable that the heavy diet of the average family, with an excess of fat and partly cooked starch, and a deficiency of fruit and vegetables except during the summer months, together with the custom of indulging children in promiscuous habits of eating, is a factor in the indigestion which according to the mothers is one of their chief difficulties. Diet is more varied in the mountain than in the lowland county, but is still scarcely adapted to the needs of the child.

There is a very obvious need in these rural communities for increased attention to educational opportunities for the children. Under the terms of the school law, attendance is compulsory for children between 8 and 14 years for only four months of the school term, but even this is practically unenforced. The school term is short—commonly five months for white and four months for negro schools—and this, together with irregular, spasmodic attendance makes progress difficult. The rough roads, bad weather, and need for help with the farm work are responsible for the irregular attendance. Between the ages of 10 and 20, approximately 1 white child out of 10 and 1 negro out of 3, in the lowland county, had not learned even to read and write; in the mountain families, this rate was approximately 1 out of 3.

In the lowland county communities, two of the white school districts have voted the special school tax and have well-built, well-equipped schoolhouses. Three of the white schools, however, and all the negro schools are one-room, one-teacher schools. School sanitation is notably deficient. Only one of the five white schools has one toilet for boys and one for girls; two have one for the girls only,

while two of the white schools and all four negro schools have no toilet facilities whatever. In the mountain townships visited, most of the seven school districts have new buildings, painted and in good repair; school equipment, however, is meager and antiquated. Sanitary conveniences are lacking. Only one of the seven schools is provided with a privy for the girls, and the other schools have no toilets whatever, a particularly dangerous condition since the spring is the source of drinking water.

The children of the family performed a considerable share of the farm labor on their home farms, working in the fields along with their parents, helping to sow and harvest the crops, a number in the mountains also helping in the timberland after the crops were laid by. In the lowland-county communities, two-thirds of the white children and three-fourths of the negro children 5 to 15 years old, in addition to doing a variety of chores, helped in the fields, cultivating and harvesting the crops, particularly chopping and picking cotton and hoeing corn. In the mountain country, farm work is irregular, since little farming is done, and usually the busy seasons with all hands putting in a full day's work are concentrated into a few weeks.

Although early training in habits of industry is desirable, and though a reasonable amount of farm work would scarcely injure a healthy child of sufficient size and strength, children's work on the farm, such as is described in this report, has certain objectionable features, the most serious of which are the undue strain upon the strength of the child, the interruption of his schooling, and, in the lowland county, the ill effects upon his health of prolonged exposure to the heat of the sun.

In the lowland-county township, opportunities for recreation and social intercourse are more numerous than in many rural communities. School entertainments are given occasionally, and other means of social diversion are popular, such as picnics, ice-cream suppers, swimming parties, individual entertaining and visiting, and Saturday trips to town. Clubs and lodges of various sorts are found. Three-fourths of the white families subscribe regularly for some sort of publication, usually weekly rural editions of the county papers. Migration from country to town is rare, and the average family is satisfied with country life.

Negro families also have ample means of social intercourse. Church is their common meeting place and frequent services are held. The schools occasionally arrange an entertainment to raise money for some needed article of equipment. Clubs and societies are common among the adult negroes, and are usually organizations which pay a benefit in case of sickness. Trips to town are infrequent, due to a lack of mules and conveyances. The negro family also is genuinely content with country life.

In the mountains facilities for recreation are extremely limited and badly needed. Social intercourse consists largely of attending "preaching" once a month, county fair once a year, and an occasional visit to the neighbors in the immediate vicinity. There is a marked lack of community interests and of social organizations of any sort. Books, newspapers, or magazines are seldom found in mountain homes. Few families have a conveyance of any sort, hence trips to town are rare, especially for the women and children. Here, as in the lowland county, few families expressed a desire to move to town. Some, however, were eager to leave for the children's sake—to be more convenient to school, church, and doctor.



## **PART V. APPENDIX.**

### **THE STATE AND ITS RELATION TO CHILD WELFARE.**

#### **STATE BOARD OF HEALTH.**

Through an exceptionally effective, progressive-minded State board of health, alive to the needs of the rural population, which constitutes a large portion of the inhabitants of the State, much is being accomplished along the lines of public health and sanitation.

#### **ORGANIZATION.**

With an original annual appropriation of \$100 in 1877, the State board of health soon made itself a necessary factor in the welfare of the State. In 1909 the services of a full-time health officer were secured. Since then public health work has developed into a well-organized department with an executive office, State laboratory of hygiene, State sanatorium and bureau of tuberculosis, and bureau of engineering and education, vital statistics, rural sanitation, soil pollution, and accounting. In 1916 the State ranked twentieth in per capita expenditure for public-health work, \$0.026, the expenditures of the other States ranging from \$0.0073 in Tennessee to \$0.1521 in Florida, according to compilations by Dr. Charles V. Chapin, for the American Medical Association.<sup>1</sup>

#### **BIRTH REGISTRATION.**

The "model law" for birth registration went into effect in North Carolina July 1, 1913. Its enforcement has been particularly difficult in this State because of the rural character of the population, and also because of the large proportion of births attended by midwives. In June, 1916, registration of deaths was considered complete enough to warrant the inclusion of North Carolina in the death registration area of the Bureau of the Census. Recently (December, 1917), the inclusion of the State in the census area of birth registration marks the culmination of the effective efforts of the State board of health toward improved statistics.

As a test of birth registration in the areas covered by the survey, all births which had occurred in 1915 (found by house-to-house visits during the course of the inquiry) were checked back to the

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<sup>1</sup> Sixteenth Biennial Report of the North Carolina State Board of Health, 1915-1916, p. 17.

records at the county seat. Of the 61 births occurring in that year in the township of the lowland county, 48, or 79 per cent, had been registered. In one of the mountain townships, none of the 21 births occurring in 1915 was registered; the registrar appointed for the township had refused to serve and the office was allowed to remain vacant during the entire year. Another mountain township had registered 21 out of 23 births, and the third, a small, remote township 20 miles from the county seat, had registered every one of its 13 births.

#### EDUCATIONAL CAMPAIGNS.

To interest the general public in hygiene and sanitation, the board of health has in constant use a portable motion-picture outfit suitable for work in rural districts, a series of illustrated stock lectures, traveling exhibits, and an extensive press service. The motion-picture health films reach, among others, a large class of people who read very little, and these films present to them in simple form the principles of sanitation and disease prevention. The picture show makes the rounds of rural schools in an automobile, which carries an extra engine to run the lights and furnish power for the pictures. A "Charlie Chaplin" movie lends variety to the health films and a victrola furnishes music during the changing of reels.

Outfits of lectures on health subjects, illustrated by a set of lantern slides with a stereopticon lantern, are furnished free of charge to Y. M. C. A. workers, teachers, preachers, and others interested in public health. The traveling exhibit presents the more important health problems by means of charts and models, usually accompanied by a demonstrator. The press service sends out to newspapers of the State a daily article of from 200 to 300 words, publishes a monthly bulletin, and issues special pamphlets.

#### HOOKWORM, TYPHOID, AND PELLAGRA CAMPAIGNS.

In a five-year campaign ending May, 1915, the Rockefeller Sanitary Commission, now the International Health Commission, examined 267,999 citizens of the State for hookworm infection, and treated 95,618 infected citizens, also improving 1,796 privies.<sup>1</sup>

The State bureau of rural sanitation has reached 21 counties with its typhoid vaccinations and given three complete vaccinations to 100,000 people, vaccinating an average of 4,761 persons in each county—from 16 to 20 per cent of the population of the counties.<sup>2</sup>

A pellagra campaign in one county has been fruitful of lasting results, convincing the public of the value of a more varied dietary.

<sup>1</sup> Sixteenth Biennial Report of the North Carolina State Board of Health, 1915-1916, p. 61.

<sup>2</sup> Sixteenth Biennial Report of the North Carolina State Board of Health, 1915-1916, p. 45.

### SOIL POLLUTION WORK.

This work, which has for its object the control of diseases spread through pollution of the soil, is a recent development and so far has been conducted in only one county. The method followed, as described in the annual report of the State board of health is "to visit each and every home in the county and demonstrate to the people the ways in which this class of diseases is spread and to interest them in providing sanitary privies as a preventive measure. Also, an important part of the campaign is to examine and give treatments for hookworm disease and vaccinations to prevent typhoid fever."<sup>1</sup>

### POSTGRADUATE CLINICS.

One of the most interesting features of the State board of health program has been the development through the cooperation of the State board of health and the State University of a home postgraduate course in children's diseases for the doctors of the State. The fundamental principle consists in bringing the teacher to the class instead of sending the class to the teacher. The plan was initiated in 1916 in two counties. Two experts were obtained to bring a six-weeks' course to 80 rural physicians, the expense of from \$2,000 to \$2,500 being shared by them. The amount which each physician paid was about \$30, whereas, had he gone to any of the large hospital centers for such a course the expense would have amounted to from \$300 to \$400, including travel, lodging, and the loss of income during absence. The course consisted of a lecture and clinic one day a week in each of six towns of the counties selected. Physicians were allowed to bring their own patients for consultation, and so urgent was the demand for the clinics that they will doubtless be repeated another year, the subject to be chosen by the subscribing physicians.<sup>2</sup>

### PUBLIC-HEALTH NURSING.

The State sanatorium and bureau of tuberculosis of the State board of health has been instrumental in securing a director of public-health nursing for the State, in cooperation with the Metropolitan Life Insurance Co., which pays one-half her salary and expenses. The Metropolitan company has also cooperated in local nursing activities, awarding five scholarships in public-health nursing in the University of Cincinnati. In 1916 a three-days' conference of the 35 public-health nurses of the State was held at the State sanatorium; one result of this conference was a great stimulation throughout the State of interest in public-health nursing. By February, 1918, there were in North Carolina 65 public-health nurses<sup>3</sup> (more, it is reported,

<sup>1</sup> Sixteenth Biennial Report of the North Carolina State Board of Health, 1915-1916, p. 46.

<sup>2</sup> Sixteenth Biennial Report of the North Carolina State Board of Health, 1915-1916, p. 28.

<sup>3</sup> The University of North Carolina News Letter, Vol. IV, No. 13, Feb. 20, 1918.

than in any other southern State). They were supported by public funds, mill companies, women's clubs, philanthropic groups, churches, and lodges, aided by the Metropolitan Life Insurance Co. The demand for public-health nurses is greater than the supply. To meet this demand, the State board of health, in cooperation with the University of North Carolina, is planning a training school for public-health nurses.

#### REGISTRATION OF MIDWIVES.

A recent act to prevent blindness in infancy,<sup>1</sup> passed by the State legislature of 1917, requires the registration of midwives with the State board of health "in order that the prophylactic solution and necessary instructions may be furnished them." A penalty of from \$10 to \$50 is prescribed for midwives failing to register. Although this is an important step in the right direction, as yet no provision has been made for an examination or supervision of midwives.

#### PREVENTION OF BLINDNESS IN INFANCY.

An act of the legislature of 1917<sup>2</sup> makes it "unlawful for any physician or midwife practicing midwifery in the State of North Carolina to neglect or otherwise fail to instill or have instilled, immediately upon its birth, in the eyes of the new-born babe two drops of a solution prescribed or furnished by the North Carolina State Board of Health."

#### QUARANTINE FOR INFECTIOUS DISEASES.

The reporting of infectious diseases to the State board of health was made compulsory by an act of the legislature of 1917,<sup>3</sup> which also provides means for control and supervision of such diseases. By the terms of this act, it is the "duty of every physician to notify the county quarantine officer of the name and address, including the name of the school district, of any person living or residing, permanently or temporarily, in the county about whom such physician is consulted professionally and whom he has reason to suspect of being afflicted with whooping cough, measles, diphtheria, scarlet fever, smallpox, infantile paralysis, typhoid fever, typhus fever, Asiatic cholera, bubonic plague, yellow fever, or other diseases declared by the North Carolina State Board of Health to be infectious and contagious, within 24 hours after obtaining reasonable evidence for believing that such person is suffering from one of the aforesaid diseases." In cases where the patient is unattended by a physician, the duty of notifying the quarantine officer falls upon the parent, guardian, or householder in the order named. It is the duty of the

<sup>1</sup> Acts of 1917, ch. 257, sec. 8.

<sup>2</sup> Acts of 1917, ch. 257, sec. 3.

<sup>3</sup> Acts of 1917, ch. 263, sec. 7.

county quarantine officer to report cases of the above-mentioned diseases to the State board of health within 24 hours after the disease has been reported to him. The State board of health is empowered to make such rules and regulations as may be necessary for the supervision and control of these diseases. Persons willfully violating the law or the rules and regulations adopted by the board of health are guilty of a misdemeanor and subject to fine or imprisonment.

#### PHYSICAL EXAMINATION OF SCHOOL CHILDREN.

Considerable attention is now being directed to the care of the rural school child. Many localities have developed a complete program for supervision of the child's health and physical development during his years of schooling, with medical inspection of the children periodically, and a school nurse who visits in the homes and sees to it that the child receives the treatment which has been recommended. It has been proved that school medical inspection needs a school nurse to make it effective.

In this State the board of health has developed a "unit of school inspection" which so far has been carried on in six counties. The bureau of rural sanitation in the first 19 months of its existence inspected 206 schools, examined 15,751 children, found 7,390—almost half—to be physically defective in some respect and has been instrumental in having 10 per cent treated.<sup>1</sup> The value of this plan lies chiefly in arousing local interest through demonstration; it does not meet the need for permanent periodic examination of the children or for a permanent school nurse. Recently a unique compulsory State-wide plan has been devised by the board of health and enacted into law by the legislature<sup>2</sup> for the physical examination of school children at a minimum of expense. The teachers themselves will make the examinations according to a manual of instructions prepared by the State board of health and State superintendent of public instruction with the assistance of the United States Public Health Service. A record of each examination will be made on cards provided by the State board of health and transmitted to a physician in each county designated by the State board of health, who will notify the parent or guardian of any child with serious physical defects as defined by the State board of health to bring the child before him for a thorough physical examination.

According to the law it is compulsory for a parent so notified to bring his child before the physician. The physician will be compensated by the county commissioners for the examinations. Parents are then notified of any defect discovered and advised as to the treatment which the child should receive. Arrangements will be

<sup>1</sup> Sixteenth Biennial Report of the North Carolina State Board of Health, 1915-1916, pp. 45, 46.

<sup>2</sup> Acts of 1917, ch. 244.

made by the State board of health and State superintendent of public instruction with physicians and dentists of the county to treat school patients at a reduced cost, 20 per cent of which may be paid by the State board of health, provided the county commissioners will pay 20 per cent. This leaves only 60 per cent of the cost to be borne by the parents, besides securing for them a reduced rate for their children's treatment. The law provides that every school child shall be examined at least once every three years, and that the work shall be so planned by the State board of health and State superintendent of public instruction as to cover the entire State once in every three years.

#### "COUNTY UNITS."

Much of the work of the State board of health is carried on by State board of health agents in each county under the "county unit" system, by which the State and county share the expense of educational health work. Under this system school inspection "units" have been conducted, and typhoid, hookworm, pellagra, etc., have been dealt with.

Recently the State board of health, in cooperation with the International Health Board of the Rockefeller Foundation, has contracted with 10 counties of the State for a three-year program of health work in those counties. The program agreed upon is to consist, in each county, of units devoted to soil pollution, quarantine and disinfection, school inspection, life extension, and infant hygiene—all under the direction of a full-time health officer, and at an average yearly cost to the county of between \$3,000 and \$4,500. Definite contracts have been agreed upon and signed by the State board of health and representatives of the cooperating counties.

Public-health activities have reached a high degree of development in this State and are carefully and efficiently organized under the State board of health. The next step might well be the organization of a division of child hygiene; no doubt this important feature of the health program will be developed shortly by this State just as it has become an important part of the State boards of health in New York, Kansas, New Jersey, Ohio, and Montana. Such a bureau correlates the various health problems of childhood, such as the reduction of infant mortality, prenatal and infant care, medical inspection of schools, health of children in State institutions, and activities of children's conferences and clinics.

#### AGRICULTURAL ACTIVITIES.

Under the joint leadership of the State and Federal Departments of Agriculture, according to the terms of the Smith-Lever Act,<sup>1</sup> various organizations throughout the State are stimulating an interest in higher standards of farming and farm life.

<sup>1</sup> 38 U. S. Stat. L., Pt. I, p. 372 (act of May 8, 1914).

**COUNTY AND HOME DEMONSTRATION AGENTS.**

Ninety-six counties of the State, including the lowland county at the time of this survey and the mountain county recently, have a county agent who by demonstration and other methods interests the farmers of his county along the lines of improved methods of agriculture, farm management, marketing, purchase of supplies, and so forth.

Home demonstration agents to interest farm women in modern household economics are present in 58 counties, including the lowland county of the survey.

**BOYS' AND GIRLS' CLUBS.**

Clubs, open to boys and girls between the ages of 10 and 18, are proving an effective means of reaching the rural community through the child. These clubs are supervised by State agents, assisted by county agents, usually cooperating with school officials and rural teachers.

Boys' corn clubs were the first organization of this type. The corn-club boys raise an acre of corn, usually on their fathers' farms, and prizes are offered for the most successful corn-club member—based on the largest production at the lowest cost, with the best exhibit of 10 ears and the best essay on the year's work.

Boys' pig clubs are arousing interest in pork production, and are teaching the boys profitable methods of feeding, the value of the best breeds, and the home production of meat for the family.

Boys' and girls' poultry clubs are demonstrating poultry raising, handling, and marketing, the value of uniform product of high class for cooperative marketing, better care of poultry and eggs, and the increased revenue derived from better breeding and management.

Girls' canning-club work has developed into one of the most important features of the State relations service. The girls plant and cultivate a garden of a tenth of an acre, and can the products for home and market. Prizes are awarded on the basis of the quality and quantity of the canned product, the profit shown by cost accounting, and a written account of how the crop was made.

**FARMERS' INSTITUTES.**

Farmers' institutes with lectures and demonstrations by experts, for both farmers and farm women, had been held in many counties during 1916, including the lowland county of this study.

This lowland county has been well organized for rural progress, with its county agent and home demonstration agent; its well-established corn, pig, poultry, and canning clubs for the boys and girls; a flourishing and stimulating county fair with an infant-welfare section; and, for some years past, sessions of the farmers' institutes.

The mountain county, on the other hand, at the time of the survey showed a total lack of community organization of agricultural activities—no county agent, no demonstration agent, no boys' and girls' clubs, no farmers' institutes throughout the county. The county fair is the only stimulus to improved farming and farm life, and even at the county fair the exhibit of farm products is meager and almost overshadowed by the cheap commercial amusements offered. The recent employment of a county agent is an important beginning toward an improved agricultural program for the county.

#### RURAL CREDITS AND FARM LOAN ASSOCIATIONS.

Ample facilities for extending credits to the farmer, thus combating the "crop-lien" and high-interest evils, have been organized and a variety of systems, State and Federal, devised by which the farmer can borrow money for land purchase or improvement.

The Federal farm loan act,<sup>1</sup> which affords an opportunity to secure long-time credit (from 5 to 40 years) at a rate of interest not to exceed 6 per cent, should not only help the farmer to secure capital, but, because the money will be borrowed through a local farm-loan association, should also stimulate cooperative enterprise.

The McRae rural credits bill,<sup>2</sup> passed by the 1915 legislature, provides for the organization of credit unions for short-time credit under the supervision of the State board of agriculture. Loans by the credit unions under this law can be made to members for the purpose of raising crops only and are loaned upon the name of the farmer. The rate of interest is limited to 6 per cent. In the autumn of 1917 there were 14 rural credit unions in the State—more, it is said, than in any other State.

#### COUNTY FAIRS.

The majority of the counties of the State, including the two counties visited, held county fairs in 1916. The county fair has won an assured place for itself in the activities for rural progress, affording as it does an opportunity for the farmer to compare his results with the best achievements of the county, and with the produce of his neighbors who face the same problems and surmount the same obstacles that he must reckon with. Farm women also benefit by exhibits of household products—jellies, jams, preserved fruits and vegetables, cakes, bread, needlework, and knitting.

In this State, as elsewhere, the county fair has also been found an excellent opportunity for presenting to the mothers the newer ideals in child care and giving them the advantage of expert advice as to the physical development of their children. A number of counties have

<sup>1</sup> Farm Loan Act, act of July 17, 1916. 39 U. S. Stat. L., p. 360.

<sup>2</sup> Acts of 1916, ch. 115.



introduced baby conferences of various types as a feature of the fair with a growing tendency to abolish, or at least to minimize, the competitive element, which was a prominent feature of the earlier baby contests. The babies are weighed and measured by competent physicians who point out defects to the mothers and give them constructive suggestions for improving the child's general health. Free literature on infant care is frequently distributed. Baby "shows" of various sorts were held in connection with county fairs in a number of counties, including the lowland county of this survey, which has had one for three years. The mountain county would, no doubt, also find the mothers interested in the introduction of such a feature.

#### COMMUNITY SERVICE LEAGUES.

The activities of the State bureau of community service have been of especial significance to the rural districts of the State. Under the leadership of this bureau, a number of rural neighborhoods have been organized into "Community Service Leagues," with committees on education, farm progress, cooperative marketing, health organization and social life, and an executive committee which in consultation with the State bureau determines upon the line of work for each year and the special problems upon which attention is to be concentrated.

Two important acts of the 1917 session of the legislature gave a decided impetus to the movement for community organization. An article in the *Community Center* for September, 1917, comments on one of these acts as follows:

By this act [an "act to provide for the incorporation of rural communities," 1917, ch. 128], the people of each rural neighborhood—a common school district or uniting group of districts—\* \* \* may secure the powers and advantages of incorporation usually reserved for cities and villages—the right to enact ordinances [through a legally-provided-for community assembly] and assure common contribution to pay for community improvements through the levying of taxes; they may nominate for the Governor's appointment a community judge or magistrate; and \* \* \* may, through their duly chosen executive committee of "directors," take any and all necessary steps looking to a system of \* \* \* cooperative community marketing.

A committee appointed by a conference which was called by Governor Bickett to prepare a statement concerning the purpose of this law concludes its report with these words:

"It will make the school and the schoolhouse the center and rallying point for all activities, agencies, and plans for the improvement of community life and the advancement of community progress and prosperity.

"It is applied democracy, and in accordance with the traditions and genius of our race. \* \* \*

"In short, it makes progress legal and binding when favored by a majority of the community instead of its being probably only an ineffectual, effervescent mass-sentiment."

Through an "act to improve the social and educational conditions of rural communities"<sup>1</sup> it is the duty of the State superintendent of public instruction "to provide for a series of rural entertainments, varying in number and cost and consisting of moving pictures selected for their entertaining and educational value, which entertainments may be given in the rural schoolhouses of the State as herein provided."

#### HOME-COUNTY STUDY CLUBS OF UNIVERSITY OF NORTH CAROLINA.

An interesting organization of the State university—the North Carolina Club—is composed of university students and faculty members, "bent on accurate, intimate acquaintance with the Mother State." The society has entered upon its third year of study of economic and social problems in North Carolina, "her resources, advantages, opportunities, and achievements; the production and retention of wealth and the conversion of wealth into welfare and well-being; market and credits; organization and cooperative enterprise; schools and colleges, churches and Sunday schools; public health and sanitation; problems of urban and rural life; \* \* \*"<sup>2</sup> Affiliated with the North Carolina Club are various county clubs of students, exploring the economic and social problems of their home counties. Nearly 70 "home-county" studies have been made by these clubs and prepared for publication in the home papers. In some instances the county officials are preparing to issue these county studies in pamphlet form for textbook use by students in the high schools, by teachers in the county institutes, and so forth. The subjects covered in the study of each county are as follows:

(1) The Historical Background, (2) Timber Resources, (3) Mineral Resources, (4) Water-Power Resources, (5) Industries and Opportunities, (6) Facts About the Folks, (7) Facts About Wealth and Taxation, (8) Facts About the Schools, (9) Facts About Farm Conditions, (10) Facts About Farm Practices, (11) Facts About Food and Feed Production, (12) The Local Market Problem, (13) Where the County Leads, (14) Where the County Lags, and (15) The Way Out.<sup>3</sup>

Such a searching study of the home State must prove of great value in the development of a trained and intelligent leadership which is one of the most essential factors in the progress of any State.

#### LAWS RELATING TO CHILD LABOR.<sup>3</sup>

Up to September 1, 1917, when the Federal child labor law went into effect, the employment of children was regulated only by the State law, which is meager and ineffective. The State labor law permits the employment of children 12 years of age or over in manu-

<sup>1</sup> Acts of 1917, ch. 186.

<sup>2</sup> University of North Carolina Record, No. 140, pp. 7, 8.

<sup>3</sup> The Federal child labor law was in effect at the time of the study, but it has since been declared unconstitutional by a decision of the Supreme Court of the United States (June 3, 1918).

facturing establishments, providing that no child between the ages of 12 and 13 shall be employed except in an apprenticeship capacity, and then only after having attended school 4 months in the preceding 12 months.<sup>1</sup> The State law also prohibits night work in any mill, factory, or manufacturing establishment—that is, between the hours of 9 p. m. and 6 a. m.—for children under 16 years of age.<sup>2</sup> By the passage of the Federal child labor act,<sup>3</sup> in effect September 1, 1917, the age at which children are permitted to work in manufacturing establishments, mills, factories, workshops, or canneries shipping in interstate or foreign commerce is fixed at 14 years, with the added provision that no child under 16 shall work more than 8 hours a day, 6 days a week, or between 7 p. m. and 6 a. m., in such establishments.

Prohibition of employment in agricultural pursuits is not specified in either the State or Federal law.

### LAWS RELATING TO SCHOOL ATTENDANCE.

The school law of North Carolina makes definite provision for its enforcement; under the general supervision of the State superintendent of public instruction it charges the county board of education with the appointment of attendance officers, one to each township,<sup>4</sup> and provides that the county board, together with the county superintendent, may make rules governing school attendance.<sup>5</sup> Yet, as a matter of fact, in the counties of the survey at least, the law is very poorly enforced, due largely no doubt to a discouraging indifference on the part of the public, and to the lack of a system of special truancy officers. According to the census figures, North Carolina's rank in school attendance, as compared with the other States, is thirty-third.<sup>6</sup> In view of the fact that on account of the Federal child labor law<sup>7</sup> many children under 14 are released from the mills, a rigid enforcement of the compulsory-attendance law would seem particularly desirable.

### CHILD-CARING INSTITUTIONS AND AGENCIES.

#### FACILITIES FOR DEALING WITH JUVENILE OFFENDERS.

The State juvenile court law<sup>8</sup> embodies the modern conception of the delinquent child as a ward of the State in need of guidance rather than as an offender to whom punishment should be meted. The

<sup>1</sup> Pells Revisal of 1908, Supplement 1913, ch. 45 A, sec. 1981 b.

<sup>2</sup> P. R., 1908, Supp. 1913, ch. 45 A, sec. 1981 ee (2).

<sup>3</sup> 39 U. S. Stat. L., p. 675 (act of Sept. 1, 1916).

<sup>4</sup> P. R., 1908, Supp. 1913, secs. 4092a (5) to 4092a (6), as amended by 1917, ch. 208, sec. 2.

<sup>5</sup> P. R., 1908, Supp. 1913, sec. 4092a (11), as amended by 1917, ch. 208, sec. 1.

<sup>6</sup> Thirteenth Census of the United States, 1910. Vol. I, pp. 1118-1127.

<sup>7</sup> The Federal child labor law was in effect at the time of the study, but it has since been declared unconstitutional by a decision of the Supreme Court of the United States (June 3, 1918).

<sup>8</sup> Acts of 1915, ch. 222.

modern principle of probation is an important feature of the law—permitting the court to suspend sentence and place the child on probation for a specified period. The court has jurisdiction over adults contributing to the child's delinquency, juvenile offenders are tried before the county courts, and the law directs the court to hold separate trials for children as far as practicable. No child 14 years of age or under can be committed by the courts to any jail or prison inclosure where the child will be the companion of older and more hardened criminals, except where the charge is for a capital or other felony, or where the child is a known incorrigible or habitual offender; the child may be placed in a detention home or in the temporary custody of a responsible person pending the disposal of his case by the court.

Although most of the essentials of good juvenile court legislation are included in the law, it is lacking in certain respects: Separate sessions of the court for the trial of juvenile offenders are not obligatory; children 14 years or younger, if known as "incorrigible" or "habitual offenders," may be confined in jail or prison, where they are subject to the contaminating influences of adult offenders; and the probation system, except in a few of the larger cities which maintain paid probation officers, is dependent upon volunteer service.

The Stonewall Jackson Training School near Concord provides institutional restrictions and training for a limited number of delinquent boys—97 were enrolled at the time of this study—but, according to the annual report for 1916 of the board of public charities, it is handicapped by insufficient equipment and needs to be materially enlarged.

The 1917 legislature has provided for the issuing of bonds to erect an institution for delinquent girls,<sup>1</sup> which has been a most vital and urgent need. At the time of the study, throughout the State, no separate institution was available for this class of offenders. When the judge of a North Carolina court pronounces a girl, however young, guilty of a crime, he has no alternative but to place her in the State penitentiary. In 1916 alone there were received at the State prison, with no provisions at that time for a separation of young from older prisoners, 48 children under 20, 8 from 10 to 15, and 40 from 15 to 20 years of age.<sup>2</sup> Recent legislation<sup>3</sup> for the purpose of regulating the "treatment, handling, and work of prisoners" provides that "the races shall be kept separate, and youthful convicts from old and hardened criminals in sleeping quarters."

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<sup>1</sup> Acts of 1917, chs. 255, 265.

<sup>2</sup> Annual Report of the Board of Public Charities of North Carolina, 1916, p. 30.

<sup>3</sup> Acts of 1917, ch. 286, sec. 24.

INSTITUTIONS FOR DEFECTIVE CHILDREN.<sup>1</sup>

A State school for the feeble-minded, the Caswell Training School at Kinston, affords facilities for institutional care and industrial training for 200 children, and had an enrollment of 181 on November 30, 1916.<sup>2</sup> Fifteen children, reported feeble-minded, were inmates of county almshouses<sup>3</sup>—obviously unsuitable institutions for their care, since they are unequipped for the special treatment and training necessary for the mentally defective. No suitable State provision has been made for feeble-minded negro children, who are committed to the county almshouses.

Seventeen children under 16—both boys and girls—were patients at the epileptic colony of the State hospital for the insane at Raleigh.<sup>4</sup>

The North Carolina school for the white deaf, located at Morganton, had a capacity of 300 and an enrollment of 281.<sup>5</sup> State schools for the blind—white and negro—at Raleigh had an enrollment of 286 white boys and girls and 69 negroes.<sup>6</sup> The negro school also has the care of 105 deaf negro children.

Along with a plea for an industrial school for delinquent girls and for an increase in the capacity of the Jackson Training School for Boys, the board of public charities in its report for 1916 mentions the need for a hospital for crippled children also—a hospital school where “the children are taught during the months when under treatment. \* \* \* Many States have opened such institutions, and the wonderful cures have demonstrated that they are eminently worth while.”<sup>7</sup> The first step toward an orthopedic hospital was taken by the legislature of 1917,<sup>8</sup> which appropriated \$20,000 for this purpose, provided the amount can be duplicated from sources other than the State. A committee appointed by the governor has selected a site at Gastonia and is empowered to proceed when the necessary funds shall have been raised.

## PROVISIONS FOR HOMELESS AND DEPENDENT CHILDREN.

The State orphanage for white children at Oxford has an enrollment of 375, and the orphanage for colored children, also at Oxford, 155.<sup>9</sup> Several private orphanages scattered throughout the State are caring for 1,690 children; also a children's home society at Greensboro, the only child-placing society in the State, has under its super-

<sup>1</sup> The figures given in this section are as of Nov. 30, 1916.

<sup>2</sup> Annual Report of the Board of Public Charities of North Carolina, 1916, p. 22.

<sup>3</sup> *Ibid.*, p. 74.

<sup>4</sup> *Ibid.*, p. 19.

<sup>5</sup> *Ibid.*, p. 26.

<sup>6</sup> *Ibid.*, pp. 24, 25.

<sup>7</sup> *Ibid.*, p. 7.

<sup>8</sup> Acts of 1917, ch. 199.

<sup>9</sup> Annual Report of the Board of Public Charities of North Carolina, 1916, pp. 31, 33.

vision 442 children who have been placed in private homes.<sup>1</sup> A number of dependent children, 37 in 1916, were cared for temporarily in the county homes or "almshouses"<sup>2</sup> designed for adults, totally unfitted, according to modern standards, for the special problems of child care. The board of public charities urges the county commissioners to provide otherwise for the children as soon as possible.

#### STATE BOARD OF CHARITIES AND PUBLIC WELFARE.

Since March, 1917, a new "State Board of Charities and Public Welfare," taking the place of the old "Board of Public Charities," has been given the duty to "study and promote the welfare of the dependent and delinquent child and to provide either directly or through a bureau of the board for the placing and supervision of dependent, delinquent, and defective children," and to "inspect and make report on private orphanages, institutions, and persons receiving or placing children."<sup>3</sup> This board hopes eventually to organize county boards of public welfare throughout the State, with a locally paid county commissioner of public welfare in every county.

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<sup>1</sup> Annual Report of the Board of Public Charities of North Carolina, 1916, p. 38.

<sup>2</sup> *Ibid.*, p. 74.

<sup>3</sup> Acts of 1917, ch. 170.

# SCHEDULE USED IN VISITING FAMILIES DURING SURVEY.

[Page 1.]

U. S. DEPARTMENT OF LABOR.

CHILDREN'S BUREAU.

## OUTLINE FOR STUDY OF CHILD WELFARE IN RURAL COMMUNITIES.

[Page 2.]

FATHER.		MOTHER.		BABY.		ADDRESS.	
S. No.	B. C. No.	D. C. No.	Township.	COUNTY.	STATE.		
BABY—1. M. F. 2. L. I. 3. L. B., S. B. 4. At one year: Alive, Dead. 5. Date of birth ..... 6. Date of death .....						23. Mother's occupations	
						Industries	
						Extent	
						Ages.	
7. Feeding:							
1 2 3 4 5 6 7 8 9 10 11 12							
(a) Breast only .....							
(b) Breast and other .....							
(c) No breast .....							
a. Specify (b) and (c) .....						FATHER—24. Occupation.	
MOTHER—3. Marriage ages ..... duration ..... years.						Industry.	
9. Pregnancies.						E. O. W.	
						25. Illness .....	
						26. Physical history of children.	
No.	Sex.	Mother's age.	Child's present age.	Aged't at birth.	Period.	Cause of death.	Age at death
1							1
2							2
3							3
4							4
5							5
6							6
10. Before conf.: Saw phy'n, mwf., how often....Ur. exam., how often....						27. Home remedies .....	
11. After: No. visits .... 12. Drops in baby's eyes .....							
13. Cord, how dressed .....							
14. Instruction in inf. care .....							
15. Nursing care in conf.: (a) Kind .....						28. Distance from phy'n .....	
(b) Duration .....						29. From telephone .....	
17. Usual help with housework .....						30. Distance from school .....	
18. Extra help in confinement .....						31. Education of living children .....	
19. Usual duties.		Ceased.	Re-sumed.	Usual duties.		Ceased.	Re-sumed.
(a) Cooking .....				(f) Milking .....			
(b) Cleaning .....				(g) Churning .....			
(c) Washing .....				(h) Chickens .....			
(d) Ironing .....				(i) Garden .....			
(e) Bulk family sewing .....				(j) Farm .....			
20. Household conveniences .....						32. ...	
						Native white	
						Native black	
						Other	
						Can read	
						Read and write	
21. Illness .....						Mother.	
22. Compl. of former pregnancies .....						Father.	
						Y. N.	
						Y. N.	

**[Page 3.]**

[illegible]

Symbols: D=dwelling. P=privy. W=well.  
Sp=spring. St.=stable. Hp=hog pen.

[Page 4.]

50. Home economics: [Diet and clothing; income—(cash and other); indebtedness, other than mortgage; store credits and methods of purchasing; expenditures for stock and farm equipment; for hired help; method of crop disposal; distance from market, etc.]

51. Social life, recreation, use of leisure time, etc.: Distance from nearest town. R.F.D. Y.N.  
Publications taken. Road.

[Give for each member of family: Membership in farm or civic association, club, lodge, grange, etc.; attendance at Farmers' Institutes; frequency of visits to town, participation in social events, etc.; also attitude toward farm life, desire to go to mill town or city, etc.]

**Notes:**

**Informant.**

**Agent.**

**Date of visit.**



## MIDWIFE SCHEDULE.

U. S. DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU.

### OUTLINE FOR INTERVIEW WITH MIDWIVES IN A RURAL DISTRICT.

1. Name and address ..... 2. Col., white .....
3. No. births attended in 1915 ..... No. with M. D. .... 4. Patients wh., col., both .....
- SERVICES DURING CONFINEMENT: 5. How is patient prepared .....
6. How does midwife prepare herself .....
7. Antiseptics used .....
8. No. exams. usually made during labor .... 9. 2d and 3d stages of labor, how treated .....
10. Treatment of cord .....; of infected cord .....
11. No. cases infected cord .....; of umbilical hernia .....
12. Treatment of baby's eyes..... 13. No. cases of infected eyes .....
14. Remains how long after birth ..... No. calls after .... Patient discharged when .....
- What exam. made previous to discharge .....
15. What advice given on infant care .....
16. What services performed other than obstetrical: Nursing, Y. N. Housework, Y. N. ....
- ABNORMAL CASES: 17. No. treated in 1915 .... No. lacerations .... No. repaired by mwf. ....
- Other abnormal cases: Specify .....
18. Use of instruments .....; of anesthetics .....
19. Bag: Equipment and condition .....
20. Under what circumstances does mwf. call phyn. ....
- Names of phyns. called .....
21. No. stillbirths ..... No. infant deaths ..... Causes .....
22. Mothers' deaths: No. .... Causes .....
- No. cases of childbed fever .....
- SERVICES DURING PREGNANCY: 23. Sees patient how often, and in what mos. ....
24. Does mwf. as a rule make phys. exam.: Y. N. Specify no. and kind .....
- Urine exam.: Y. N. and in what mos. ....
25. Prenatal care: Advice given mothers .....
- TRAINING OF MIDWIFE: 26. Where ..... 27. Name school or phyn. .... 28. Diploma: Y. N. ....
29. Mos. attended ..... 30. Lectures per week ..... 31. No. births attended during training .....
32. Genl. education ..... Can read and write: Y. N. ....
33. Yrs. practiced: Total .....; in township studied ..... 34. Usual charge for conf. \$. ....
35. Does she register births: Y. N. How long after .....
36. License No. ....
37. Condition of house .....; of person .....
38. Approximate age .....
- Enter notes and remarks .....

## SCHOOL-SURVEY SCHEDULE.

U. S. DEPARTMENT OF LABOR,

**CHILDREN'S BUREAU.**

**WASHINGTON.**

## SCHOOL SURVEY.

- |                             |                         |               |
|-----------------------------|-------------------------|---------------|
| 1. Name of school .....     | 2. White or negro ..... | 3. Term ..... |
| 4. Graded or ungraded ..... | 5. Highest class .....  |               |
| 6. Teachers, number .....   | 7. Salary .....         |               |
| 8. Enrollment, total .....  | Boys .....              | Girls .....   |

Attendance.	Total.	Boys.	Girls.
9. Average for year.....	.....	.....	.....
10. Average for November.....	.....	.....	.....
11. Average for March.....	.....	.....	.....

**School building:**

- |   |   |                          |                     |
|---|---|--------------------------|---------------------|
| 12. Material .....  | 13. Finished, outside .....                 | inside .....             | 14. No. rooms ..... |
| 15. Blinds or shutters at windows .....   | 16. Method of heating .....                 |                          |                     |
| 17. Provision for coats, etc .....  | 18. General condition .....                 |                          |                     |
| 19. Equipment .....   |   |                          |                     |
| Sanitation:   |   |                          |                     |
| 20. Number of toilets, for boys .....   | girls .....                                 | 21. Distance apart ..... |                     |
| 22. Drinking water, Dg. W., Dr. W., Sp .....  | 23. Drinking cup, individual, common .....  |                          |                     |
| Surroundings:   |   |                          |                     |
| 24. Any attempt to beautify grounds with flowers, shrubbery, or trees .....                             |   |                          |                     |
| 25. Playground, Yes, No.  |   |                          |                     |
| School activities:  |   |                          |                     |
| 26. Library .....   | 27. School clubs (Audubon Soc., etc.) ..... |                          |                     |
| 28. Athletics .....   |   |                          |                     |
| 29. Industrial work .....   |   |                          |                     |
| 30. County commencement, No. attending .....  | 31. Exhibits and prizes .....               |                          |                     |
| 32. School entertainments .....   |   |                          |                     |
| The school and the community:   |   |                          |                     |
| 33. Community gatherings held at the school, meetings of Community Club, Farmers' Institutes, etc. .... |   |                          |                     |
| 34. Money raised privately or by school entertainments last year and how used .....                     |   |                          |                     |
| 35. No. of visits to parents .....  | 36. No. parents who visit school .....      |                          |                     |
| Notes:  |   |                          |                     |

**Notes:**

**Industrial Series:**

- No. 1. Child-Labor Legislation in the United States, by Helen L. Sumner and Ella A. Merritt. 1131 pp. and 2 charts. 1915. Bureau publication No. 10. Bureau supply of complete volumes exhausted, but reprints can be obtained as follows:

Child-Labor Legislation in the United States: Separate No. 1. Analytical tables. 475 pp. and 2 charts.

Child-Labor Legislation in the United States: Separates Nos. 2 to 54. Text of laws for each State separately.

Child-Labor Legislation in the United States: Separate No. 55. Text of Federal Child-Labor Law. 1916.

No. 2. Administration of Child-Labor Laws:

Part 1. Employment-Certificate System, Connecticut, by Helen L. Sumner and Ethel E. Hanks. 69 pp. and 2 charts. 1915. Bureau publication No. 12.

Part 2. Employment-Certificate System, New York, by Helen L. Sumner and Ethel E. Hanks. 104 pp. and 3 charts. 1917. Bureau publication No. 17.

Part 3. Employment-Certificate System, Maryland, by Francis Henry Bird and Ella Arvilla Merritt. — pp. and 2 charts. 1918. Bureau publication No. 41. (In press.)

- No. 3. List of References on Child Labor. 161 pp. 1916. Bureau publication No. 18.

- No. 4. Child Labor in Warring Countries: A brief review of foreign reports, by Anna Rochester. 75 pp. 1917. Bureau publication No. 27.

**Rural Child-Welfare Series:**

- No. 1. Maternity and Infant Care in a Rural County in Kansas, by Elizabeth Moore. 50 pp., 4 pp. illus., and 1 chart. 1917. Bureau publication No. 20.

- No. 2. Rural Children in Selected Counties of North Carolina, by Frances Sage Bradley, M. D., and Margaretta A. Williamson. 118 pp. and 16 pp. illus. 1918. Bureau publication No. 33.

- No. 3. Maternity Care and the Welfare of Young Children in a Homesteading County in Montana, by Viola I. Paradise. — pp. and — pp. illus. 1918. Bureau publication No. 34. (In press.)

- No. 4. Maternity and Infant Care in Two Rural Counties in Wisconsin, by Florence Brown Sherbon and Elizabeth Moore. — pp. and — pp. illus. 1918. Bureau publication No. 46. (In press.)

**Miscellaneous Series:**

- No. 1. The Children's Bureau: A circular containing the text of the law establishing the bureau and a brief outline of the plans for immediate work. 5 pp. 1912. Bureau publication No. 1. (Out of print.)

- No. 2. Birth Registration: An aid in protecting the lives and rights of children. 20 pp., 3d ed. 1914. Bureau publication No. 2.

- No. 3. Handbook of Federal Statistics of Children: Number of children in the United States, with their sex, age, race, nativity, parentage, and geographic distribution. 166 pp., 2d ed. 1914. Bureau publication No. 5.

- No. 4. Child-Welfare Exhibits: Types and preparation, by Anna Louise Strong. 38 pp. and 16 pp. illus. 1915. Bureau publication No. 14.

- No. 5. Baby-Week Campaigns (revised edition). 152 pp. and 15 pp. illus. 1917. Bureau publication No. 15.

- No. 6. Maternal Mortality from All Conditions Connected with Childbirth in the United States and Certain Other Countries, by Grace L. Meigs, M. D. 60 pp. 1917. Bureau publication No. 19.

- No. 7. Summary of Child-Welfare Laws Passed in 1916. 74 pp. 1917. Bureau publication No. 21.

- No. 8. Facilities for Children's Play in the District of Columbia. 72 pp., 25 pp. illus., and 1 map. 1917. Bureau publication No. 22.

- No. 9. How to Conduct a Children's Health Conference, by Frances Sage Bradley, M. D., and Florence Brown Sherbon, M. D. 24 pp. 1917. Bureau publication No. 23.

- No. 10. Care of Dependents of Enlisted Men in Canada, by S. Herbert Wolfe. 56 pp. 1917. Bureau publication No. 25.

- No. 11. Governmental Provisions in the United States and Foreign Countries for Members of the Military Forces and their Dependents, prepared under the direction of Capt. S. Herbert Wolfe, Q. M., U. S. R., detailed by the Secretary of War. 236 pp. and 4 diagrams. 1917. Bureau publication No. 28.

**Legal Series:**

- No. 1. Norwegian Laws Concerning Illegitimate Children: Introduction and translation by Leifur Magnusson. 37 pp. 1918. Bureau publication No. 31.
- No. 2. Illegitimacy Laws of the United States, by Ernst Freund. — pp. 1918. Bureau publication No. 42. (In press.)

**Children's Year Leaflets:**

- No. 1. Children's Year, April 6, 1918, to April 6, 1919, prepared in collaboration with the Department of Child Welfare of the Woman's Committee, Council of National Defense. 8 pp. 1918. Bureau publication No. 36.
- No. 2. Children's Year, Weighing and Measuring Test:
  - Part 1. Suggestions to Local Committees. 8 pp. 1918. Bureau publication No. 38.
  - Part 2. Suggestions to Examiners. 4 pp. 1918. Bureau publication No. 38.
  - Part 3. Follow-up Work. 7 pp. 1918. Bureau publication No. 38.
- No. 3. Children's Year Working Program, prepared in collaboration with the Department of Child Welfare of the Woman's Committee, Council of National Defense. 12 pp. 1918. Bureau publication No. 40.
- No. 4. Patriotic Play Week. Suggestions to Local Committees. 8 pp. 1918. Bureau publication No. 44.
- No. 5. Children's Health Centers. 7 pp. 1918. Bureau publication No. 45.
- No. 6. The Public-Health Nurse: How she helps to keep the babies well. 7 pp. 1918. Bureau publication No. 47.
- No. 7. Back-to-School Drive, prepared in collaboration with the Child Conservation Section of the Field Division, Council of National Defense. 8 pp. 1918. Bureau publication No. 49.
- No. 8. Suggestions to Local Committees for the Back-to-School Drive, prepared in collaboration with the Child Conservation Section of the Field Division, Council of National Defense. 8 pp. 1918. Bureau publication No. 50.
- No. 9. Scholarships for Children, prepared in collaboration with the Child Conservation Section of the Field Division, Council of National Defense. 8 pp. 1918. Bureau publication No. 51.
- No. 10. Advising Children in Their Choice of Occupation and Supervising the Working Child, prepared in collaboration with the Child Conservation Section of the Field Division, Council of National Defense. — pp. 1919. Bureau publication No. 53. (In press.)

**Child-Labor Division Series:**

- Circular No. 1. Aug. 14, 1917. Rules and Regulations for Carrying Out the Provisions of the United States Child-Labor Act. (The circular includes the text of this act.) 10 pp. 1917.
- Circular No. 2. June 30, 1918. Decision of the United States Supreme Court as to the Constitutionality of the Federal Child-Labor Law of September 1, 1916. 16 pp. 1918.

U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, Chief

Maternity Care and the Welfare of Young  
Children in a Homesteading County  
in Montana

By

VIOLA I. PARADISE

RURAL CHILD WELFARE SERIES No. 3

Bureau Publication No. 34



WASHINGTON  
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## LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU,  
*Washington, July 5, 1918.*

SIR: Herewith I beg to transmit a report entitled "Maternity Care and the Welfare of Young Children in a Homesteading County in Montana."

The study was made under the general supervision of Dr. Grace L. Meigs, head of the hygiene division of the Children's Bureau. The detailed direction was in charge of Miss Viola I. Paradise, who has written the text of the report. The special agents chiefly concerned in the field work were Miss Helen M. Dart, Miss M. Letitia Fyffe, Miss Dorothy M. Williams, Miss Janet M. Geister, Miss Stella E. Packard, Miss May R. Lane. The statistical material was prepared under the direction of Miss Etta F. Philbrook.

Acknowledgment is made of the valuable cooperation of Dr. W. F. Cogswell, secretary of the Montana State board of health, and Miss Margaret Hughes, director of the child-welfare division, State board of health, and the officials of the county studied.

As will be seen by the report, the facts as to maternity experiences were secured through home interviews with the mothers. Children's health conferences were held at several convenient centers, to which many well children were brought by their parents for examination and advice as to their general care. The conferences developed further facts as to the well-being of the children and gave a demonstration of practicable methods of child care, which served an important purpose in making the study of profit to the local community. Dr. Grace L. Meigs and Dr. Anna E. Rude conducted the conferences.

The infant mortality studies of the bureau show that the welfare of mothers and infants is fully safeguarded in none of the communities studied, whether urban or rural. In the rural studies new difficulties appear. And in the present study of a typical pioneer region the degree to which isolation intensifies both the need and the difficulties of safeguarding life is clearly indicated. The population is made up of young, vigorous, courageous, hard-working people who will ultimately succeed, yet the lack of agricultural development and of good roads makes it impossible for them to secure for themselves proper protection for maternity and infancy.

The safeguarding of human life and vigor is of national concern, and it is reasonable to invoke the cooperation of State and Nation to that end. We may, therefore, urge that the public protection of maternity and infancy should be accepted as a governmental policy, and that it be secured by such cooperation between the Federal Government and the several States and counties as has already been proved effective in the promotion of better farming, good roads, and vocational education.

The researches of students make clear that the loss of population in war time includes not only the deaths at the front but also a higher civilian death rate, especially affecting young children, and an inevitably lowered birth rate. Hence, this report, disclosing as it does an unnecessary waste of life, is of essential timeliness.

Respectfully submitted.

JULIA C. LATHROP, *Chief.*

Hon. W. B. WILSON,  
*Secretary of Labor.*

# MATERNITY CARE AND THE WELFARE OF YOUNG CHILDREN IN A HOMESTEADING COUNTY IN MONTANA.

## INTRODUCTION.

### THE NEED FOR RURAL SURVEYS.

In 1916 the Children's Bureau began a series of rural surveys of maternity care and child welfare. Letters coming to the bureau from women living in isolated districts, requests from State boards of health, and other public and private organizations in all parts of the country have urged a consideration of the problems confronting country mothers in childbirth and in the care of their children. The fact that the United States lost in a single year at least 15,000 women from conditions caused by childbirth<sup>1</sup> is even less well known than is the Nation's extravagant loss of infant life.

The important bearing upon infant life of the care a mother receives during pregnancy and childbirth is made clear by the fact that premature birth, injuries at birth, congenital weakness, and malformations were responsible for the deaths of over 55,000 babies, or more than one-third of the deaths of all babies under 1 year, in the registration area in 1915,<sup>2</sup> and that a large proportion of these babies could have been saved and many stillbirths and miscarriages not included in this toll could have been prevented had the mothers been properly safeguarded and adequately cared for in pregnancy and confinement. How many deaths the farm areas and small villages contribute to these statistics no one knows; but the isolation, the limited transportation and communication facilities, the small proportion of physicians and nurses to the population, and the lack of community and public-health activities over great areas of the country emphasize the need of such inquiries as these rural surveys.

The Montana survey is the fourth in the series, the previous studies having been made in typical districts in North Carolina, Wisconsin, and Kansas. The survey was made in the summer and autumn of 1917.

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<sup>1</sup> Meigs, Grace L., M. D.: *Maternal Mortality from All Conditions Connected with Childbirth in the United States and Certain Other Countries*, p. 14. U. S. Children's Bureau Publication No. 19, Miscellaneous Series No. 6. Washington, 1917.

<sup>2</sup> *Mortality Statistics, 1915*, pp. 11 and 414. U. S. Bureau of the Census. Washington, 1917.

## SCOPE AND METHOD OF THE MONTANA SURVEY.

The State of Montana, with its tremendous area, affords many types of rural country, ranging from rich and fertile irrigated farm valleys to uncultivated grazing plains and the dry farm land of the "homesteader's country." A newly settled county in the eastern part of the State was chosen for the survey because it presented the problems now encountered by pioneers in many recently occupied areas in the Great West. A little more than the western half of this county—approximately 5,500 square miles, or an area somewhat larger than the State of Connecticut—was covered by the survey. The greater part of this district is from 70 to 100 miles from a railroad. Agents of the Children's Bureau interviewed every mother<sup>1</sup> in the area who had had a baby during the five years preceding the study, provided that at the time of the baby's birth the mother was resident in the district. Four hundred and sixty-three mothers were so visited. A few who were not at home at the time the agent called were not revisited on account of distance, and perhaps a few others may have been overlooked. It is estimated that possibly 10 or 12 mothers were thus missed.

In no case was information refused. The quick appreciation of the purpose of the survey and the intelligent cooperation of the parents and of the whole community can not be too gratefully mentioned.

The work included also a series of children's health conferences. Parents were invited to bring their children to these conferences for a thorough examination by a Government physician who, though she gave no treatment or medicine, advised the parents about the care and feeding of the children and offered them the opportunity of discussing the many health problems which are encountered in rearing children. To these conferences the State board of health sent the public-health nurse who is in charge of its child-welfare division. Thus the conferences were a joint activity of the Children's Bureau, the State board of health, and the local neighborhoods in which they were held, where active committees did much to make them a success.

An investigation of the extent of birth registration, made jointly with the child-welfare division of the State board of health, was also a part of the survey. In addition, information was secured from State and county officials and from a study of available statistics and reports.

The great bulk of the information, however, was obtained from the interviews with mothers. Great care has been exercised so to present the material as not to abuse any mother's confidence. All the

<sup>1</sup> In a few instances when the mother was away or had died the father or another near relation gave the information.

stories cited represent or illustrate typical problems. Except where a mother's experience was generally known in a neighborhood and was not regarded by the mother as confidential, no examples have been cited which could in any way be identified.

The report includes a consideration of certain conditions at present inimical to the well-being of the homesteaders living in the area, especially of mothers and children. It should be borne in mind that practically all such unfavorable conditions are susceptible of change by concerted public action, and that such action, besides relieving present duress, would doubtless stimulate the development of this new homesteading country.

## SUMMARY.

In this sparsely populated homesteading area of about 5,500 square miles the tremendous distances; the isolation; the inadequate means of communication; poor roads; total absence of telephones; inaccessibility of the railroads; the often hostile weather; the lack of hospitals, physicians, and nurses; and the agricultural and economic status of the community—these conditions made it, at the time of the survey, impossible for mothers to be provided with the kind of maternity care before, at, and after childbirth which they should have.

More than three-fourths of the 463 mothers visited by the agents of the Children's Bureau had no prenatal care whatever; 22 mothers had care which could be classified as fair; and 86 received only inadequate care. One-third of the mothers had attempted to get information about prenatal care from books or magazines.

One hundred and four mothers left the area for childbirth. Of the 359 who remained only 129 were attended by a physician. In other words, almost two-thirds of these mothers had to meet the ordeal of childbirth without competent medical care. Forty-six, or more than one in eight, were delivered by their husbands. Three were quite alone.

Very few received after care by physicians, and nursing care was largely unskilled, though 14 mothers had trained nurses and 113 had partly trained nursing care.

Many mothers suffered serious complications of pregnancy or confinement and eight died—a very large proportion of losses compared with other rural areas. The State of Montana, like the area studied, has a very bad record for maternal losses.

More than one-fifth of the mothers left the area for confinement. For the most part they succeeded in getting better care than they could have had at home, but to many in the last months of pregnancy or soon after childbirth the long trip to and from the railroad, often in bad winter weather, was exhausting.

The mothers who went away from home, as well as those who stayed in the area and were attended by physicians, found childbirth very expensive. Of the 219 attended by physicians, only 14 per cent paid less than \$25, and for 22 mothers the physician's charges amounted to \$50 or more. Many mothers were attended free of

charge by relatives or neighbors, and much free nursing service and help with housework was given; yet nearly three-fourths of the 327 mothers reporting total immediate costs of childbirth—that is, the attendant's fees, nursing care, and help with housework—paid more than \$25, and 28 mothers paid \$100 or over.

For mothers who went away for confinement these costs, plus the cost of the trip, board while away from home, etc., were very large. Reports of the aggregate costs were secured for 19 mothers, for whom these aggregate costs, in all but four instances, were \$150 or more, and in two instances \$700 or more.

Certain forms of housework, chores, and farm work which countrywomen do before and after childbirth may be hazardous. Most of the mothers worked up to the time of confinement. Sometimes, because of the lack of conveniences and labor-saving devices, the difficulty of securing help with housework even at confinement, they performed very heavy tasks. The carrying of water was particularly difficult. As a rule, mothers resumed their work much too soon after childbirth. Nearly one-fourth of the women were doing all their housework, except washing, before two weeks had elapsed, and nearly half were doing their housework, washing, and chores within four weeks after parturition.

One of the most serious problems found in the Montana survey was housing. Seven out of 10 families were living in one or two room houses, and the crowding was very great. In 57 per cent the rate of congestion was two or more persons per room. The sleeping-room congestion was even worse. Nine out of 10 families slept two or more persons in a room, and in slightly more than half the homes the rate was three or more persons to a room. In 27 instances seven or more persons slept in one room. The prevailing types of houses were the log house, the sod house, the tar-paper shack, and the dug-out.

Two hundred and sixty-two homes, or well over one-half, were adequately screened; but even in most of these homes and in practically all the others flies were a great nuisance. Unscreened privies or lack of privies and inadequate disposal of waste water were doubtless partly responsible for the flies. Although the prevailing type of privy was the deep-pit privy, closed in back, and so built that the excreta were not accessible to the larger farm animals; nevertheless privies were unprotected against flies. A large number of families, nearly one-fourth, had no privies at all.

The water supply is a most important factor in sanitation. Only 51 families had drilled or driven wells. The prevailing type was the dug well, usually unprotected against surface drainage. Many of these wells were shallow and in hot weather they would dry up. The families living along the rivers used the raw river water, some

of them cutting ice from the river in winter, storing it, and using the melted ice as long as it lasted. The use of melted snow in winter was also common. Often several sources of water were used for different purposes or at different times of the year. The high alkaline content of the water all through the area often led people to choose their source of drinking water by the taste rather than by the freedom from contamination.

As the county becomes more thickly settled the water supplies, if they remain unprotected, will doubtless cause much sickness. There had already been a few recent cases of typhoid fever.

Most of the infants and young children impressed the agents making the inquiry as unusually healthy and sturdy. Nevertheless the minimum infant mortality rate<sup>1</sup> of 71 per 1,000 live births was nearly twice as high as the rate of 40 for the area studied in Kansas and was 17 per 1,000 higher than the rate of 54 found in the Wisconsin area. Inasmuch as it is now known that many infant deaths can be prevented the inadequate prenatal and confinement care provided for the mothers in the area takes on an added significance.

On the whole, the mothers in the area are very careful about the feeding of their babies, practically all of them having given their children breast feeding. Only 21 per cent of the babies had been weaned before their ninth month.

The birth-registration test made in cooperation with the State board of health revealed that only 31 per cent of the live-born children born in the area covered by the survey had the advantage of a birth certificate, and that, though the children born within a year of the agent's visit had a slight advantage over the other children, only 39 per cent of these later births were registered.

Although the State has an excellent law permitting counties to use public funds to employ public-health nurses, advantage has not been taken of this law in the area studied. Indeed, there were practically no State or county activities which directly touched the welfare of mothers and young children in the area.

Before proceeding to a more detailed discussion of the chief findings the reader will wish to know something of the country in which the survey was made and of conditions there which affect the well-being of mothers and babies.

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<sup>1</sup> See p. 70.



## **ECONOMIC AND SOCIAL CONDITIONS IN THE AREA STUDIED.**

### **HISTORY AND POPULATION.**

The history of the county has been the story of Sioux Indians and early explorers; of hunters and fur traders in the days not so very long ago when the bison ranged the prairies; then of a few ranchmen, scattered at great distances; of great herds of cattle and sheep, succeeding the wild buffaloes; and of the famous cowboy; then of the coming of the dry farmer with his hated fences; and of the crowding out of the open-range cattlemen and the substitution of the homesteader.

The country is still very young. A man who herded sheep here 20 years ago said that at that time he knew of only three families in the whole area studied and in hundreds of square miles besides, and that these lived over 50 miles from one another. Although there are a few families of over 12 or 15 years' residence, the district has been settled mainly within the past 5 or 6 years. Of the families visited, 56 per cent were still "squatting" or homesteading at the time of the birth for which a schedule was secured. The "squatters" are those who live on land on which claims can not be filed because it is still unsurveyed or the survey of the land is unaccepted. There are still over 1,400 miles of unsurveyed and unaccepted land in the area.<sup>1</sup> In some cases families were "squatting" after 10 years of residence. Taking the area as a whole, however, people who have lived here 5 or 6 years are regarded as old settlers.

The story of one successful family of these "old settlers" is typical of many others who have come to settle in the county. The family is exceptional in that it has been in the area longer than the great majority of the homesteaders. Five years ago the father bought a "relinquishment" from a homesteader who had become discouraged before the end of his first year on the homestead, and who had made practically no improvements on the land. The new homesteaders, who came in the late spring, at once put up a one-room sod house, 12 by 14 feet, in which they lived for four years.

The father cultivated a little land. The first crop consisted of five rows of potatoes, which by the exercise of great economy "took

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<sup>1</sup> Information given by the U. S. surveyor general for Montana.

the family through the first winter." Each year the father plowed and seeded a little more land, until now, at the end of five years he has 50 acres under cultivation. He bought stock, one head at a time. For nearly five years he hauled water in barrels over a mile, because he was unable, except by expensive drilling, to get water nearer the house. As the cattle increased he had to haul a barrel every day. Recently he has had a well drilled; this well, a windmill, several outbuildings, and a new house bespeak comparative prosperity.

The new house was built after the family had been on the homestead for four years, the old "soddie" having dried out until it was no longer waterproof. The lumber for the new one-room dwelling, though enough only for the roof, floor, doors, and window frames, cost \$200. The sides of the house are made of stone which the father dug from the neighboring buttes. These stones are plastered together with a homemade gumbo cement. The wooden roof is sodded to make it waterproof and warm.

The house furnishings consist of two double beds at one end of the room, a kitchen range, a large table and several chairs, a cupboard, and an improvised wardrobe made by hanging a curtain from a high broad shelf. A sewing machine and a cream separator were recent acquisitions.

On all these homesteads the women share with the men the burdens of pioneering and the credit for success. In the present instance, the mother, in addition to her housework, helps care for the stock, raises a garden, keeps chickens, milks, separates, and churns. Indeed, it was largely the money she earned by the sale of butter which made possible the installation of the windmill and other improvements.

The homesteaders in the district have come from all parts of the United States, and for the most part they are Americans of native parentage. In many instances they are the children of parents who homesteaded in the Middle West and in the Southern States. A few Russian-German neighborhoods formed the only considerable foreign element in the area studied; 30, or 6.5 per cent, of the mothers visited were of Russian-German birth; 367 mothers, or about 8 in 10, were American.

In this predominantly American community illiteracy is only a slight problem, 95 per cent of all mothers and 86 per cent of the foreign-born mothers being literate. There were, however, eight mothers of foreign or mixed parentage who, though born in the United States, were illiterate—unable to read and write in any language. Six of these could not speak English. One of these women explained apologetically that there were no schools in the North Dakota neighborhood where she was reared. Of the foreign born, 22 were unable to speak English.

No recent official statistics are available either for the population of the county as a whole or for the western part covered by the Children's Bureau study. In 1910 the county had a population of 12,725. How new the county is is evidenced by the fact that this was an increase of 420 per cent over the population at the preceding census. In 1910 the area of the county was 13,231 square miles, and on the average there was more than a square mile for each dwelling. The area has recently been reduced by the formation of new counties to 9,259 square miles<sup>1</sup>—an area somewhat larger than the State of Massachusetts. It is doubtful if the western half of the county, which was so much more recently settled, has even at the present day a much greater density of habitation than one dwelling per square mile.

#### DESCRIPTION OF THE COUNTRY.

The country varies greatly in appearance, but always there are tremendous, almost incredible distances. The great, wild, rugged, sweeping plains—broken by buttes of many shapes and by sudden gray cut banks—were at the end of a cruelly dry season burnt dun and brown and yellow. Occasionally, a bright green flax field or a small field of corn, looking almost as if painted on the landscape, gave a startling contrast; but such contrasts are rare, for the country has been used almost exclusively for grazing, very little of it being under cultivation. Frequently there are outcroppings of rock, fantastic in shape, the result of erosion or of wind sculpture. Scrub growths of bluish gray-green sagebrush mottle the prairie and occasionally cover whole fields; again, there are stretches with no grass but the sparse, sear wild hay, or buffalo grass. A low cactus grows in quantity here and there. Some Russian thistle, which at the beginning of the investigation was a dull unobtrusive green, changed to a glowing copper-red in the autumn. Indeed, this change and the yellowing of the few cottonwoods which grow along the Big Dry and other stream beds were almost the only changes of color brought by the autumn. The country, except for these cottonwoods and except in the "breaks," is treeless. An occasional little tar-paper shack or "soddie" of some homesteader, or a log house, or a sheep herder's white covered wagon on these sweeping plains and hills accents the wild vastness of earth and sky. Indeed, everything seems to emphasize this vastness, whether it be a small herd of cattle or a large, a great flock of sheep or a single grazing horse on the top of a distant hill silhouetted against the sky. Sometimes one can drive great distances and see no sign of human habitation and no sign of animal life

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<sup>1</sup> Information given by the county surveyor.

except a flock of sage hens, or a prairie-dog town, or a coyote, or, less often, a bobcat, or some antelopes.

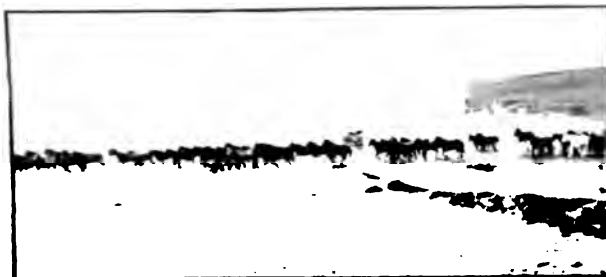
But of all the features of the landscape the most compelling are the buttes. These strange hills vary in size and shape and color. Many of them are classed as bad lands. Often they spring up out of a comparatively smooth plain and look like a child's drawing of a mountain; again, they heap themselves together in ranges of hills, giving a jagged, almost grotesque sky line. Sometimes they are covered with wild hay and sometimes they are bare; often they are streaked with lignite coal; often they are heaps of shale rock. Their colors vary from the tan of the prairie to a rare pastel red or orange. Most often, perhaps, the butte is the somber purplish gray of gumbo.

As one approaches either of the two rivers which bound the county on the north and west, the land becomes very much rougher and is known as the breaks. Here the many creeks and streams on the way to the rivers have cut deep twisting gullies; and here for the first time one sees trees in some abundance—abundance only by contrast with the county's treeless prairies, for the breaks are but sparsely dotted with pines, cedar, and juniper. In some places the hills are quite barren, except for a few gnarled and scrubby cedars. The ground is here and there covered with creeping juniper and creeping cedar.

The large areas of bad lands (really a part of the breaks, though not so considered locally) are weirdly picturesque. They are high, bare buttes of rock or gumbo, varying in color through all the shades of gray to the rarer brick red or orange. The sides of the canyons show the formation of the rocks in horizontal streaks of many different colors. The breaks and bad lands extend back from the rivers some 15 or 20 miles and are especially rough along the creeks. This rough land (excepting that which is absolutely barren) is much prized for grazing, because it affords protection for the stock in bad weather.

Along the two rivers cottonwood trees abound. The strips of river-bottom land are fertile and valuable for farming. This land was the first to be settled, and the comfortable log houses of the ranchers, the high hay stacks, the large corrals, the frequency of cultivated fields, bear witness that the settlers have prospered.

The river-bottom district comprises only a very small part of the area studied in the Children's Bureau survey. For the most part, the country consists of the rolling prairie and breaks and bad lands, which have been described.



HORSES BEING DRIVEN TO MARKET.



NOT A PLOWED FIELD BUT AN OLD TRAIL FUR-  
ROWED BY WAGONS AND ESPECIALLY BY FREIGHTING  
"OUTFITS."



WINDING TRAIL ACROSS THE PRAIRIES.

gates to open. When he finds a rag tied to a barbed-wire fence he knows there is no thoroughfare and he must go around.

There are so many cross trails and branching trails and so few landmarks that to find one's way is difficult. A typical direction, "down Buffalo Hill, between Hell Creek and Crooked Creek on Beebee Bottom; you can't miss it," might be easily followed by one who knew the neighborhood well, but is almost baffling to an outsider who does not know where all the faint trails lead.

The transportation problem is complicated by the fact that many homes are far off the traveled trails. A neighbor will say in giving directions, "Just keep going in that general direction; you'll lose the trail and find yourself in the midst of some pretty rough sagebrush, but if you keep due west you'll find it again." The intricacies of travel are also illustrated by another direction, "Go to the top of the next hill where you see a gray horse. Follow the lane till you pass the horse, and farther on you'll come to some plowed ground. There you turn to the right and follow the fence a ways. You'll go through a coulee and you'll see a butte ahead. Climb to the top of that, and a mile or so beyond you ought to see the dugout."

Automobiles are becoming fairly common, though the great majority of people still must depend upon horses. Of 463 families visited in the investigation, 59, or about 1 in 8, owned automobiles. Frequently cars are purchased before other necessities. Sometimes a family of five or six will postpone adding a room to a one or two-room shack in order to use the money this would take to buy a car. The car is a business investment, and the well-being of a family is greatly enhanced by its possession.

Some homesteaders, just starting out, had neither team nor car; a few had not even a saddle horse. They were obliged to depend entirely upon neighbors for transportation.

In the breaks the roads are very much worse than in the rest of the area studied, though the oldest and most prosperous settlers live there. Some well-to-do families living in this part of the district do not own automobiles because it is impossible to drive them on the steep, narrow, winding trails of the breaks. Indeed, it is impossible to drive even a team on many of these trails. One father owns a car which he keeps with friends at the end of the roughest land. When he and his family wish to use it they walk or ride horseback to the car and leave their horses until they return. Another family lives 8 miles from the most accessible road which can be used by any vehicle. A very rough bridle trail leads from the road to the comfortable little log cabin. This trail can be traveled only on horseback or on foot; no supplies can be carried along it; and the family must get its supplies from across the river.

In the breaks the only practical way to get about is on a sure-footed horse, one capable of swimming the creeks when the water is up in the spring. Often, however, the water is so high and swift that it is dangerous to swim the creeks on horses, and families are cut off, sometimes for a week at a time, from their nearest neighbors. One father, in discussing the need of better maternity and infant care, remarked, "First get the county commissioners to put in roads that would make it possible for the doctor to arrive here if we did have him within calling distance. In the spring, when the water is high, and we can not cross, we are cut off from the world as effectually as though we were on an island."

People in cities usually think of every country family as having its mail box, with mail delivered daily to the door by rural carriers. In the area studied only a few families living along the "star routes" (on which the carriers bring mail to the post offices) are so fortunate. Nearly everyone must go to the post office, often many miles away, for mail which is delivered there once or twice—in some rare instances three times—a week. No post office had daily deliveries and the largest center in the district had only two deliveries a week. All the mail must be brought from railroad towns in other counties, and in some cases it is relayed to several carriers before reaching its distribution point. Bad weather, of course, complicates the service. During the winter preceding the survey first-class mail was delayed for a week or two at a time, and in parts of the area for much longer periods, while the parcel post was in many instances held up for months. "People had Christmas till Easter," said one woman describing the difficulties of getting mail.

The delay of the parcel post is very serious in a country community where the mail order is the predominant manner of purchasing. There were several complaints from persons whose winter underwear, ordered in the autumn, did not reach them until spring. In one instance a child was without shoes because the mail was delayed. A more serious case was that of a mother who, feeling ill during her pregnancy, consulted a physician. He gave her a prescription, which she sent to the nearest railroad town to be filled; but the roads were so bad that the medicine did not get through for two months.

Often long delays in the first-class mail create very difficult situations. In one instance a mother decided to go for her confinement to the home of her sister, 25 miles away, but within 2 miles of a physician. The mother wrote to the physician three months in advance to engage him. When she went at the appointed time the physician was away and she was confined without a doctor's services. He did not receive her letter until a week after the baby was

and many of them died of hunger after staggering around for weeks in the snow and bitter cold. The icy crust which formed over the snow made it impossible for them to get feed from the ranges. The autumn of the survey many of the farmers were selling much of their stock, because the risk of a bad winter was too great to take.

Isolation, of course, augments the distress caused by the winters. One mother's statement summarized the attitude of many: "It is maddening to be tied up the six long months of winter, day after day, with no break, and always in fear that the baby will be taken sick and we would be unable to get her to a doctor. It is dangerous to go after coal because storms come up suddenly, and then the men get lost easily. Last winter we ran out of coal in January, and we ran out of feed in April, and 70 cows perished from hunger."

Many terrible stories were told about the winter preceding the survey, in and around the area studied. For example, a woman and her three children left a neighbor's house, where they had been visiting, to return to their own home about half a mile distant. The husband, who had been away and was delayed by the storm, returned a few days later. When he was about a hundred feet from his house, his horse stumbled and shied, and the man, dismounting, found his wife in a snowdrift, sitting upright holding one child—both frozen to death. The two other children he found near by, also frozen.

Another story was told about two school-teachers who were homesteading and whose matches gave out during a blizzard. After waiting in vain for help, knowing that it was useless to go out into the storm, they wrote farewell letters and went to bed. They were found, some time after, frozen to death.

Such harrowing stories of the winter as these, and the accounts of the crop losses of the summer, strike the imagination so vividly that one is likely to forget the long, beautiful autumns with their bracing air and the pleasant weather in the late spring and early summer.

### **Live stock, agriculture, and markets.**

Until very recently, the county was used entirely for grazing. The wild hay, or buffalo grass, which grows so hardily in spite of the worst droughts, is more highly prized by cattlemen than any crops at present cultivated. It is not many years since cattle were driven up from Texas to graze hereabouts.

The county agriculturist estimates that about half the land is tillable, having as the predominant type of soil a clay loam which would produce gratifying crops if it could get enough moisture, and, even with limited moisture, would produce an excellent yield of cereals if properly tilled and cultivated. The frequent long, dry summers,

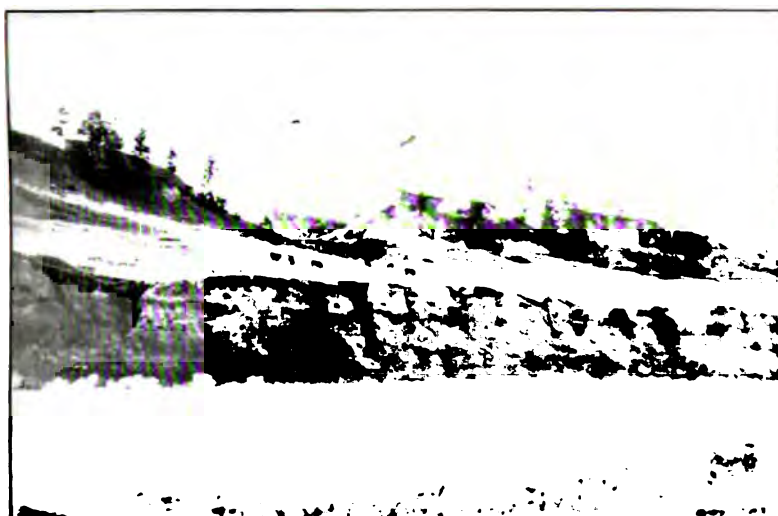




TYPICAL BAD LANDS NEAR HUNGRY CREEK.



THE BREAKS WITH A GLIMPSE OF RIVER.



CATTLE GRAZING ALONG A CREEK BED.



GRAZING SHEEP.



HORSES AT A WELL IN A COULEE.

however, with no means of irrigating the land<sup>1</sup> make farming a hazardous occupation. People are dependent upon the weather. The year of the Children's Bureau survey the crops were almost a total failure. The dry farmer, in answer to the country's demand for wheat, had endeavored to seed as much land as possible. Although a comparatively small acreage was planted (39 per cent of the farmers questioned having less than 50 acres each under cultivation), nevertheless, it represents a great effort on the part of these settlers who have come to their homesteads with little capital, slight equipment, and, not owning the land, with no opportunity to get credit. The loss of stock and the crop failure this year has meant financial ruin to many. The county agriculturist and others in the community think the land should remain for many years—at least until a railroad is secured—chiefly grazing land, with corn and other feed grains raised for home consumption. They think that, though the large-scale stock raising, possible only with the "open range," will be farther and farther crowded out, cattle will continue to be the chief product, with many small herds owned by many homesteaders instead of great herds owned by a few ranchers. This is indicated by the present tendency. As soon as possible after filing on his land the homesteader buys a few head of cattle. The number of cattle owned by the families included in the survey ranged from 1 or 2 head to 600; most of the homesteaders had under 20 head of cattle and horses, and only a few had over 100. A very few families had large herds of sheep, in some instances over 1,500.

The cattle are bred only for beef, there being practically no dairy-ing. Only a small proportion<sup>2</sup> of the families who have cattle milk even one cow for their own use. The stores in the towns report that they sell hundreds of wagonloads of canned milk. This situation is hard for an outsider to understand even if he is told the difficulties of keeping a milch cow. Such a cow ought not to be allowed to range with the herd, because the calves would milk her; she would, therefore, have to be kept in a separate field; this would entail the expense of fencing and also of buying feed. At present, with markets so far away, there is no outlet for a surplus of dairy products, and many families feel that they can manage without milk and butter for a few years until the longed-for time "when the railroad comes." This is unfortunate, for fresh milk and dairy products should be important items in the diet of children.

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<sup>1</sup>One or two farmers had built reservoirs in which they had saved some of the water from the full creeks of the spring season. Such reservoirs are very expensive and it is doubted by many local experts whether the results pay for the cost of such irrigation.

<sup>2</sup>Only 133 mothers, or a little over one-fourth, reported milking as part of their work.

The distance from markets and even from the means of getting to the market—i. e., a railroad—has a stunting effect upon many kinds of agricultural activity. Practically the only crops attempted are flax and wheat (the chief grain crops), and corn, oats, and barley (the important feed crops). Even these are undertaken on a very small scale, though enough wheat is raised to keep busy the two little mills in the area. Even garden products are few, for where water is scarce gardening is very laborious. A few gardens, however, which produced excellent vegetables, were found. In one of these rare cases the woman had achieved her successful crops by utilizing the waste wash water. If markets were available for garden surplus-over what a family could use, probably many farmers would increase their garden space, and many more would undertake raising garden produce in spite of the scarcity of water.

The four or five villages in the area are not markets in any real sense. The only considerable product of the country is live stock, and that is "rounded up" in the spring and autumn and driven direct to the railroads. The villages are chiefly distributing centers for food, clothing, etc., brought out from the railroad to be purchased by people living in the country. For the most part they are small—often less than a dozen houses and stores altogether—sometimes only four or five buildings. The largest village has a fluctuating population reaching about 250 or, according to the most liberal local estimate, 300 inhabitants in winter, when people come into town from their homesteads to send their children to the town school or for other social reasons. Nearly every family in the town has a homestead, and during the spring and summer the population dwindles. This village and one of the others have each a small mill, from which flour is supplied to local stores.

Except this flour, the soft coal, which people can dig for themselves out of the sides of hills, and a little lumber from the breaks, practically everything must be "freighted" from the railroad. Some families, especially the large ranchers who have the horses and equipment, do their own freighting, going to the railroad and buying supplies for a season and in some instances for a whole year at one time. Often they have in their cellars and dugouts larger stocks than those kept by many of the country stores. Some men make a regular business of hauling. In addition to an auto stage, which drags "a trailer," the long freighting outfits with four or six horse teams, a string of wagons, and a white covered wagon at the end, are common sights on the long trails. This hauling, of course, makes the cost of living high. The freight rates from the railroad to the chief inland village range from \$1 to \$2 per 100 pounds in summer, and from \$2 to \$5 in winter.

One of the most expensive items is lumber, whether it is hauled from the breaks or from the railroad. In one country store fence



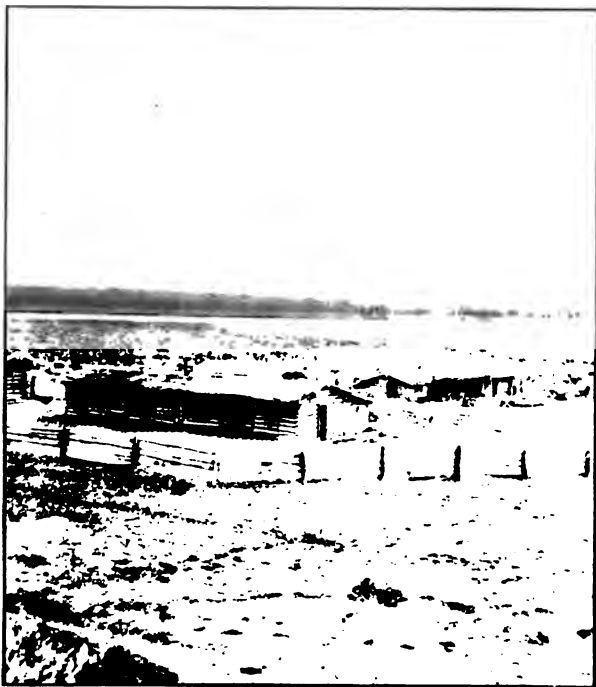
A VILLAGE ON THE PLAINS.



DWELLING AND COMBINATION POST OFFICE AND STORE WHERE A CHILDREN'S HEALTH CONFERENCE WAS HELD.



THIS DUGOUT SERVED AS A HOME AND POST OFFICE.



A PROSPEROUS RANCH ON THE RIVER BOTTOM.



HOMESTEADERS.

posts, which sell for 25 to 35 cents apiece, supplement silver as a medium of exchange. The storekeeper takes pay for commodities in fence posts and then sells them or buys more stock with them.

Although the stores in the villages distribute large quantities of food and merchandise, nevertheless mail-order buying is the favorite method of purchasing, and the large catalogues are referred to with local humor as "homesteader's Bibles." It was interesting to learn that some families sheared their sheep and sent the wool to a mail-order factory in the Middle West, which made all their clothing, from underwear to overcoats, using the family's own wool and taking part of it in payment for weaving the cloth and making up the garments.

#### ECONOMIC STATUS OF THE FAMILIES VISITED.

In the infant mortality investigations which the bureau has made in cities, the coincidence between a high infant death rate and poverty has been conspicuous. In cities the economic condition of a family can as a rule be measured easily by the money income. In rural areas, however, the money income means very little because the farm contributes largely in produce instead of money to the family living. In an area like the one surveyed, where nearly all the farms have the same acreage, where tenancy is not a problem, and nearly everyone is either squatting or homesteading, or has just proved up on his homestead, it is impossible to classify the families visited into any income or economic groups which would be significant in regard to the care of the women at childbirth and the well-being of their children.

There is not a wide variation in the financial condition of the people; the whole area is young and struggling. There were perhaps 20 or 30 wealthy ranchers owning large herds of cattle or horses or large flocks of sheep. On the other hand, there were some who were having an especially hard struggle. The earliest years on a homestead are, of course, the hardest; and they are especially difficult if they include a drought. But even after several years of homesteading many families were having a difficult time.

A typical instance was one family which had proved up on its 320 acres, but had had "bad luck," as they expressed it, with the farm. The crops failed and two cows died with calves. Last year they borrowed over \$1,000 on a mortgage at a 10 per cent interest rate, and they did not know how they were going to meet the interest due. The mother said, "We have nothing to sell but our milch cows, and that is my children's food." Doubtless many other families, and among them some who have the title to their land, have found themselves as hard pressed as this since the winter set in.

In another family the mother complained that the crops the previous year had been so poor that the father "had to go away last winter to earn money enough to keep us going." This winter, again, he had gone to get work elsewhere, and there was little prospect that the mother would be able to join him, for he was over 125 miles away and the trip was expensive. She had sent the oldest daughter to her grandmother in another State that the child might have the advantage of a good school. Her nearest neighbor and a family of relations who had come out to homestead when she and her husband came had both gone for the winter, and the mother had a very lonesome season in prospect.

One hundred and twenty-nine fathers had to supplement their incomes by a secondary occupation, in 38 cases by farm labor, some fathers "hiring out" only at seeding or harvest time. Twenty-two gave farming as a secondary occupation, having for their chief employment farm work not on their own homesteads, storekeeping, carpentry, well drilling, etc. They were holding their homesteads chiefly as investments, or postponing work on them until they could save a little capital for implements, seed, etc.

On the whole, neither the care of the mother at childbirth nor the family living conditions were dependent wholly upon the prosperity of the individual family. The problems which this report represents are not of any one economic group, but are problems of the whole community.



## **MATERNITY CARE.**

### **INACCESSIBILITY OF MEDICAL CARE.**

The inaccessibility of medical care in confinement was the most striking finding of the inquiry. The great area of 5,500 square miles had not one hospital. And in the period covered by the inquiry there were only three physicians in the area registered in the State of Montana, and two or three others, not registered, who said they came to the county not to practice medicine but to homestead. They were drawn into practice, however, because in emergencies their neighbors called upon them and they could not refuse to go; one or two reported that they did refuse unless it was a matter of life or death.

Less than one-third of the mothers lived within 10 miles of a physician and more than one-third were 20 miles or more away, 10 of these being from 50 to 100 miles from a physician.

The country does not invite physicians, because, as the agents making the inquiry were told again and again, "There is almost no sickness here except confinements and accidents." One result of this state of affairs is that when the importance of good confinement care is realized, and when the family can afford it, the women go away for confinement—sometimes to a hospital in one of the nearest cities, sometimes "back home," sometimes to friends or relatives in another rural district where medical care is more easily obtainable.

### **ATTENDANT AT BIRTH.**

Of the 463 mothers, 104, or over one-fifth, left the area for confinement, 27 of these going to hospitals.

Of the 359<sup>1</sup> who stayed in the area, only 129 were attended by a physician; in other words, almost two-thirds of these mothers had to meet the experience of childbirth without the safeguard of competent medical care. Three were entirely alone and delivered themselves, even tying and cutting the cord. Forty-six, or more than one out of every eight, were delivered by their husbands. Neighboring

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<sup>1</sup> Including 13 who went away from home to friends or relatives elsewhere in the area for confinement. They are not discussed separately because conditions in the homes to which they went were not very different from those affecting the other mothers who stayed at home, excepting for five of these mothers who went to the house of a physician for confinement.

women—in a very few instances trained nurses, in a considerable number of cases practical nurses, but for the most part women quite untrained in obstetrics—attended 181, or over half the mothers who remained in the area for confinement.

Although in a few families childbirth was regarded as a simple and natural process, requiring no special care except what any neighbor could give, in the main the dangers of the lack of medical care were more or less realized. Nearly every neighborhood had known of a death or a narrow escape from death on account of childbirth. Five mothers had taken the precaution of going to the house of a physician in the area for confinement. Preference for an untrained attendant was seldom responsible for the lack of medical care. "We had planned to have a physician, but the snow was so bad it was impossible to send for him." "We were all packed ready to go to the city for the confinement, but storms came up, and the creek was so high we couldn't get away." "My husband rode horseback 12 miles in a bad snowstorm for the doctor, but he was away." "The roads made it impossible to get a doctor." "We intended to go to the city, but the baby came a few days before we expected him." "We couldn't get away on time, because all the autos in the neighborhood were being used for sheepshearing." These were typical reasons given why no physician had been in attendance. One mother had packed her belongings and was ready to start for the city when labor set in unexpectedly. The father left her to get a physician and some neighbors, but the baby was born while the mother was alone before anyone arrived. The physician was eight hours late.

In another case where the mother had expected to go away for confinement labor came on suddenly. Unfortunately her husband, who had delivered her first baby, was away on business across the river and could not get back because the ferry was not running. The mother was alone except for the grandmother, who was panic-stricken and could be of no help whatever, and who frightened the mother and made her nervous. The mother, however, was a very competent person, had always been interested in nursing, had delivered several of her neighbors, and knew what to do.

In another instance a young mother whose confinement came before she expected it found herself absolutely alone at childbirth and for two days after. The father, who had gone on business to the railroad a few days earlier, had arranged for a neighbor to stay with his wife. At the last minute the neighbor was unable to come, and the mother, having no one to help her, to give her nursing care, or to do her housework, had to cut and tie the cord, care for herself and the baby, and get what little food she ate for two days, at the end of which the husband returned and summoned a neighbor. This experience, which would have been terrifying at any time, was especially hard because

the mother, who was only 19 years old, was having her first baby. Fortunately she suffered no permanent ill effects, but she was weak for about six months after childbirth and did practically no work during that time.

Another mother was all alone when her first baby was born. Her husband left at noon to go for a physician, but was lost in a storm and did not get back until 6 o'clock the next morning. This was in March. The baby was born at 9 in the evening. The mother cut and tied the cord herself. She was alone through the night, the fire went out, and she had no food. She was obliged to get out of bed in the cold room to get more coverings. This was her first child and she was badly torn. A physician whom she has seen recently says that she needs an operation.

In another case a father, who could not reach a doctor, delivered his wife with the assistance of a 19-year-old girl who was living in the household. They said that they did not feel entirely helpless, because they had had some instructions from the father's brother, whose wife had had a trained nurse during a confinement in the Philippines.

Often a physician had been sent for but did not arrive on time. Such a delay is disturbing enough to a mother who has no reason to expect complications, but it is especially distressing to a mother whose pregnancy has been complicated. This was the experience of one mother, who reported that the membranes had ruptured three days before delivery, and the physician who had been called at that time was unable to tell whether the fetus was alive or dead, but feared that it was dead. At the birth, therefore, the mother, who with her two previous children had had a physician and trained nurse, was much frightened and worried when the physician did not arrive on time. A neighbor who was not even a practical nurse was with her at confinement. A woman who had had more experience with confinement cases was sent for and arrived 20 minutes late, but in time to cut and tie the cord. The physician did not reach the mother until five hours after the baby was born, but came in time to deliver the afterbirth. Fortunately the baby was in good condition, and, though it was a dry birth, the delivery was not difficult.

In 30 instances, the physicians arrived late but in time to be of some service, either in cutting and tying the cord, delivering the afterbirth, or in looking after the mother. In a few instances, they arrived within an hour after the birth, and in others their tardiness ranged from 1 to 24 hours. In 56 additional cases unsuccessful attempts were made to secure a physician. In 12 of these the physicians did not answer the calls at all, for one reason or another—sometimes, doubtless, because they knew they could not reach their patients in time. In 44 instances they arrived too late to perform any service for the mother.

Many families who live great distances from a physician know in advance that it would be little short of miraculous if he should arrive on time; occasionally, in such cases, the father will send for a physician for the reassurance which even a late visit may give; but usually when the physician is so inaccessible the family can not afford to spend the money. "There was too little chance of his getting here on time; and besides it would have cost \$50." "The ice was coming in the river, and the ferry couldn't get across; so we decided not to try to get a doctor; and it's very expensive; the doctor charges \$75 to come here." Such were the usual comments.

Bad weather, swollen rivers and creeks, impassable roads, which make it hard or impossible to secure a physician at certain times of the year, also complicate the obtaining of less skilled care, such as a midwife or practical nurse. One family's experience illustrates several of the problems of securing even such care as a mother would consider second best. Knowing that it would be impossible to secure a physician (the nearest one being 40 miles away and across the river, which at that time was not navigable because of the ice), the mother had engaged a neighbor who was looked upon in the community as a midwife. However, labor set in at midnight a few days before the confinement was expected. The father, afraid to leave the mother, sent his oldest son, then 13 years old, out into the blizzard, for the midwife. The boy took a wagon and team, stopped to get a neighbor's boy of the same age to help him find the way, and together these two children set out. They soon were lost in the storm. Meanwhile, the mother was growing very anxious about the boys. "I was more worried about them than about my confinement," she said, in telling of her experiences. After a long while the father stepped outside and heard some one shouting near the house.

The two boys, after going a little distance, had got lost in the bad lands. They climbed out of the wagon to see if they could find a road, but the snow had covered every familiar landmark. They felt about for a while in the pitch dark and then could not find even the team and wagon. After wandering around for a long time, by great good luck they happened to stray near home. The next day, when they went out to look for the team, wagon tracks and their footprints were found on the edge of a 30-foot cut bank. "They escaped it by a miracle," said the father. "If we had been in the country longer we would have known better than to send them out on such a night. But our boy had always had such a good sense of direction and he thought he knew the way."

Meanwhile, the father, who knew nothing about the care of a woman in confinement, delivered his wife, with fear and trepidation. (Her previous confinements had all been attended by a physician.)

"Altogether it was a terrifying time," he said. The next day the midwife was sent for to see if the mother was in good condition.

Most of the fathers who had to deliver their wives felt that the danger of such lack of care was too great to be risked again if in any way it could be avoided. One father said he would never attend a confinement again, but that he would start to the hospital with his wife six months before confinement was expected. He feels that no price is too high to pay for adequate confinement care.

One local physician thought that the women, perhaps because of the character of their life in the area, had easier confinements and were less likely to suffer certain complications (such as might be expected to follow their poor confinement care) than would city women if the latter were subjected to the same conditions. However, there were many mothers and babies who suffered very serious results following the lack of good confinement care. Again and again mothers would say, "I've never been well since." Eight of the mothers covered by the inquiry had died as a result of childbirth, 10 babies had been stillborn and 12 had died under 2 weeks of age, and there were 39 premature deliveries.<sup>1</sup>

#### **Women attendants.**

One hundred and eighty-one of the mothers who remained in the area for confinement were attended by women who in a few instances were trained or practical nurses, but in a great majority of cases were only untrained neighbors or relatives. In many cases the attendant was a member of the household and in most of the others lived within 5 miles of the mother. Altogether, 122 women attended these 181 confinements. The question naturally arises as to how these attendants were equipped for the care of mothers at childbirth.

There are no licensed midwives in the area. When a doctor can not be secured, a neighbor is usually called in to care for the mother through her confinement. As a rule, she attends as a favor, often going with fear and misgivings, and only because no one else can be found and "a woman can't be left alone at such a time." She seldom charges for her services. "One neighbor does it for another out here," one mother remarked. Gradually some of the more self-reliant women acquire a reputation for skill in such cases and are called upon so often that they become the main reliance of a neighborhood and decide to consider their services as at least professional nursing and to charge a fee. This fee usually ranges from the most common charge of \$1.50 or \$2 a day, with no charge for delivery, to \$25 a week or, in a few instances, \$25 for the delivery alone.

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<sup>1</sup> See discussion of Complications, Maternal Mortality, and Infant Mortality, pp. 39, 41, and 70.

Of perhaps 25 or 30 women who in the various neighborhoods had the reputation of caring for confinement cases, 10 were visited by the Children's Bureau agents and questioned about their work. Few had attended more than 2 cases in the past year, though 1 reported 22 cases in the past five years, of which 2 had been attended by a physician also; and 1 reported 5; 1, "about 6"; and 1, 7 in the past year. Several had had some training in a hospital or as practical nurses before they moved into the area studied. One was a graduate trained nurse (she had, however, attended confinements without a physician only twice in her three years of residence in the district). Those who had practiced before coming to the area studied had almost never cared for a mother at confinement, except as a nurse where there was a physician in attendance, and they all preferred to work with a physician. The trained nurse refuses to care for a case unless a physician is in attendance except in an emergency—where the physician does not arrive in time or for some reason can not be secured.

Even when a fee is charged the service is performed as an accommodation, and in many other cases with reluctance, especially where an attendant realizes the dangers of childbirth. One woman, who does not wish to attend confinement cases and does so only when no one else can be secured, said she knew what to do if everything went right, but would not have the least idea how to proceed if anything were abnormal. She had once had an abnormal case and the baby had died, partly on account of the mother's condition and partly because a physician could not be secured in time and she had not known what to do. This woman attended five cases in the year preceding the inquiry. When her own baby was born she went away for confinement because there was no one in the neighborhood whom she could trust to deliver her. Another woman said, "At first I used to be very much afraid, but since I've watched the doctor and have delivered a few cases myself I'm not afraid any more."

In every instance but one these women said that in addition to giving nursing care they did the housework in case the mother had no one else to do it; and a few of them considered the housework part of their regular duties. The majority remained with the mothers from nine days to two weeks, though several reported that they stayed only a few days, as short a time as possible, in order to get back to their own households. Several of the women limited their practice to their own children, grandchildren, and other near relations.

Most of these attendants do not feel competent to give advice on infant care, except such advice as one neighbor will give another. Several were very eager to get the Children's Bureau pamphlets on Infant Care and Prenatal Care that they might answer the many

questions which are often asked them. None of them gave any prenatal care or advice, except occasionally to tell mothers what supplies to prepare for confinement, and in one instance to urge mothers to have a physician make urinalyses.

Nearly all the women interviewed realized the need, if not of complete asepsis, at least of cleanliness in caring for their patients. Antiseptics such as boric acid, carbolic acid, lysol, and mercury bichloride were reported. One woman had persuaded a little country store to keep bichloride tablets in stock. Nearly all used scorched linen and boric acid on the cord and a boric acid solution to wash the baby's eyes. None of them, however, reported a regular equipment; and, though they usually carried antiseptics, nearly all depended for other supplies on what their patients had in the house.

It is obvious that these women occupy a very different position in their neighborhoods from that of a city midwife, or the midwives of, let us say, a southern rural community. For the most part they realize their limitations, and do not attempt to interfere with the natural course of delivery or to "doctor" their patients with herbs and such multitudinous home remedies as, for example, were reported by the midwives in the North Carolina study. Only one woman reported the use of any but the most common home remedies. In addition to the use of boric acid she washes the eyes of new-born babies with a rag soaked in honey and sage; in case of a laceration she applies an egg fried in lard without salt, and for sore breasts she advises the application of hot pancakes.

Almost all these women realized that maternity care was a great problem in their neighborhood, and they approved of the idea of county public-health nurses as a first step at least toward the solution of the problem.

#### AFTER CARE BY A PHYSICIAN.

When a woman secures a physician for confinement in the area studied of how much oversight and protection is she thus assured? Except when the physician is late (there were 30 such cases) her actual delivery has the advantage of medical attention. In this study all mothers whose doctors arrived in time to perform any service have been counted attended by physicians. It is possible that before the physician arrives unskilled handling may have brought about infection or other complications, but at any rate even a late physician is often a great safeguard.

After care by a physician, which in standard practice in cities is considered a part of confinement care and consists of at least from 4 to 10 postnatal visits, is nonexistent in the area studied, except for the six cases where the mother stayed, at the time of confine-

ment, in the house of the physician.<sup>1</sup> Indeed, except in 12 cases where complications developed and 32 cases where the mother lived or was staying within 5 miles of the physician, only 8 mothers were visited after confinement, and each of these women was visited only once. The tremendous distances and the small number of physicians for a great area would in themselves explain the lack of postnatal care. When it takes the greater part of a day and sometimes longer for the physician to reach his patients, fees are naturally high.<sup>2</sup> A physician would not make so expensive a visit unless called by the family; most homesteaders are by no means well-to-do and find it hard to meet the expense of the original confinement visit, much less any postnatal visits which do not seem to them absolutely necessary. Even if the importance of postnatal care were realized its almost prohibitive expense would lead many families to take the chance that the mothers would recover without complications, provided the birth had not been difficult.

#### NURSING CARE.

It happened that among the homesteaders there were several graduate nurses, and several other nurses who had had some training in hospitals but who had not graduated. Although most of these women were married and had families to care for, and none of them had come to the area to practice, they were, nevertheless, usually available in cases of emergency in their various neighborhoods, and practiced now and then, either as an accommodation to their neighbors or because they needed money. In addition to these, there were a number of practical nurses<sup>3</sup> whose experiences had in many cases made their services more valuable than those of persons quite untrained.

Of the 359 mothers who remained in the area for confinement,<sup>4</sup> 14 had been cared for by graduate nurses and 113 others by women who may be considered partly trained. In other words, over one-third of these mothers had had trained or partly trained nursing care—a rather unexpected showing, considering their lack of other items of maternity care. Indeed, a larger proportion of the mothers in the Montana area received trained or semitrained care than of the mothers in the Kansas study, though the latter had on the whole much better maternity care.

However, nearly two-thirds of the mothers did not have the safeguard of even semitrained care. Fifty-five women relied entirely upon the members of their households—very often only their hus-

<sup>1</sup> Including one in which the mother was the wife of a physician.

<sup>2</sup> See section on Cost of Childbirth, p. 49.

<sup>3</sup> See discussion of Women Attendants, p. 81.

<sup>4</sup> See discussion of Mothers Who Left the Area for Confinement, p. 47.



bands. In busy seasons, especially during harvest or at lambing time or during a round-up, it is often impossible for the neighbors to leave their work. Usually, however, the kindness of neighbors is depended upon. The great majority of the mothers (176) were nursed by neighbors, friends, or relations who were not members of their households. One mother, whose husband was away on a freighting trip, was quite without nursing care. The neighbor to whose house she had gone for confinement was suddenly bedridden by an accident, and the mother had to leave her bed to get food for herself and the other woman for the first two days, after which she got up. She said she had such a hard time that she has never been well since. Several women were practically alone for the first day or two after confinement; consequently their nursing care did not begin when it was most needed.

Very frequently the care given by the father or another member of the household consists only in the bringing of meals to the mother and can hardly be considered nursing care. Thus one mother reported that her baby was born at lambing time, and on the third day after her confinement a crew of five men came to help with lambing and stayed 10 days. The father had to work night and day during this time, doing what housework was done and cooking for the lambing crew in addition to his farm work; and so the mother had only occasional attention. The mother bathed the baby and cared for herself. On the twelfth day she tried to get up, but had fever and had to go back to bed.

Often the neighbors who are kind enough to nurse the mother, and even some of the practical nurses, are quite unskilled. While they may perform such simple services as bathing and dressing the baby or preparing the mother's meals, they would be unable to recognize as important many symptoms of complications which a trained nurse would immediately know needed a physician's attention. Moreover, in many instances the neighbors do not stay at the mother's home, but come in for a few hours each day and combine a little nursing care with a neighborly visit. Thus, if a mother should develop some serious symptoms before or after the neighbor called, or, worse still, in the night, the father would have to leave her by herself while he "wrangled" and saddled a horse, rode a long distance to the nearest house where there was a woman, waited for her to get ready to come back with him, and rode back home, or perhaps left the neighbor to go to his wife alone while he rode for the doctor.

The importance of good nursing care in any community during the confinement period can not be too forcibly emphasized. But in such a county as this one in Montana how such care can be made accessible to every woman in childbirth is an especially importunate problem.

## PRENATAL CARE.

The urgent need for prenatal care has been emphasized in previous publications of the bureau. Dr. Grace L. Meigs, in *Maternal Mortality*,<sup>1</sup> states in regard to complications of pregnancy and childbirth:

A large number of these complications can be prevented through proper hygiene and supervision during pregnancy and through skilled care at labor. Certain other complications which can not be prevented can be detected before serious harm is done, and treatment can be given which will save the mother's life. We can see this more clearly if we consider as examples two of the most important complications.

Puerperal albuminuria and convulsions, called also eclampsia, or toxemia of pregnancy, is a disease which occurs most frequently during pregnancy but may occur at or following confinement. It is a relatively frequent complication among women bearing their first children. When fully established its chief symptoms are convulsions and unconsciousness. In the early stages of the disease the symptoms are slight puffiness of the face, hands, and feet; headache; albumen in the urine; and usually a rise in blood pressure. Very often proper treatment and diet at the beginning of such early symptoms may prevent the development of the disease; but in many cases where the disease is well established before the physician is consulted, the woman and baby can not be saved by any treatment. In the prevention of deaths from this cause it is essential, therefore, that each woman, especially each woman bearing her first child, should know what she can do, by proper hygiene and diet, to prevent the disease; that she should know the meaning of these early symptoms if they arise, so that she may seek at once the advice of her doctor; and that she should have regular supervision during pregnancy, with examination of the urine at intervals.

Some obstruction to labor in the small size or abnormal shape of the pelvic canal causes many deaths of mothers included in the class "other accidents of labor" and also many stillbirths. If such difficulty is discovered before labor, proper treatment will in almost all cases insure the life of mother and child; if it is not discovered until labor has begun, or perhaps until it has continued for many hours, the danger to both is greatly increased. Every woman, therefore, should have during pregnancy—and above all during her first pregnancy—an examination in which measurements are made to enable the physician to judge whether or not there will be any obstruction to labor. A case in which a complication of this kind is found requires the greatest skill and experience in treatment, but with such treatment the life and health of the mother are almost always safe.

These two examples will suffice. In the same way it could be shown, with regard to all the other complications of pregnancy and labor, that those which can not be prevented can be treated successfully in most cases if detected in time.

It can be regarded, then, as a generally accepted fact that all illness and death connected with childbearing is, to a certain and

<sup>1</sup> *Maternal Mortality*, pp. 12-13. U. S. Children's Bureau Publication No. 19.

large degree, preventable through the application of the scientific knowledge which is now well established.

Even in cities where there has been active propaganda on behalf of prenatal care the importance and necessity of such care is not generally realized. Therefore it is not surprising that in the remote area studied where there has been no such propaganda more than three-fourths of the mothers had no prenatal care whatever—saw no physician, had no physical examination, measurements, or urinalysis.

Several mothers expressed surprise at being asked whether they had seen a physician or had any prenatal care. "No; why should I? I was feeling all right."

Indeed, considering the inaccessibility of medical care, the difficulties imposed by weather, roads, distances, and expense, it is surprising and encouraging to learn that nearly one-fourth of the mothers had secured at least a little prenatal care. However, when the extent and quality of this care is analyzed, the showing is not so favorable.

In order to measure and compare prenatal care in different communities, certain standards of what constitutes adequate and fair prenatal care have been drawn up by the bureau, after consultation with Dr. J. Whitridge Williams, professor of obstetrics at Johns Hopkins University.<sup>1</sup> By these standards, adequate care—which would include as a minimum an obstetrical examination; continued supervision by a physician through at least the last five months of pregnancy; monthly examination of the urine at least through the last five months; and, in case of a first pregnancy, measurement of the pelvis to determine whether any structural deformity exists which is likely to interfere with birth—was afforded no mother in the area studied. Twenty-two mothers received what is classified as fair care—which includes an obstetrical examination; from one to four urinalyses at monthly intervals; some supervision by a physician; and, in the case of a primipara, pelvic measurements. Anything less than this is considered an inadequate protection for the mother against those complications of pregnancy and childbirth which are preventable. Eighty-six mothers received only inadequate care, which in a great many instances consisted of a single visit to the physician and sometimes of submitting one sample of urine during pregnancy—a dangerously inadequate protection.

Of all the mothers, less than 1 in 4 had consulted a physician, and over three-fifths of these had consulted him only once; about 1 in 10

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<sup>1</sup> Moore, Elizabeth: *Maternity and Infant Care in a Rural County in Kansas*, p. 28. U. S. Children's Bureau Publication No. 26, Rural Child Welfare Series No. 1. Washington, 1917.

... my 1 in 7 had urinalysis. ... measurements. ... but, even so, secured no prenatal care. This group, for example, was one who had hemorrhages all through pregnancy and previous pregnancy had resulted in a ... her limbs that for several months ... could hardly walk. This mother was ... agent from the Children's Bureau ... suffering from badly swollen limbs, but had ... advice.

... throughout pregnancy was very ill, weak, ... suffered from headaches, swollen hands and ... prenatal care. She was again pregnant ... survey and was suffering from the same symptoms. ... to consult a physician, felt she could not do ... there was none within 35 miles, and the trip would be ... expensive beyond the family's means.

... woman, who reported an "extremely nervous" pregnancy, ... on the recommendation of a neighbor, but had no ...

... mothers reported the use of patent medicine which ... advertised in newspapers. Thus, one mother who had had ... trouble before her marriage and was ill throughout her pregnancy, had no medical care, but bought some "Easy Childbirth Tablets." Another, who had suffered much from nausea, secured no prenatal care, but wrote to a Texas physician who advertised in a foreign newspaper and who sent the mother some pills. On the whole, however, comparatively little "home doctoring" was reported, only 46 mothers, or 1 in 10, having used any home remedies. Such as were used were for the most part olive oil, either taken internally or applied externally, and simple cathartics, though several patent medicines—whose value was, to say the least, doubtful—were reported.

Several mothers whose pregnancies were complicated made only one or two visits to a physician, in spite of their dangerous condition. Thus, one woman who began to have profuse hemorrhages at six months consulted a physician and had a urinalysis only shortly before her baby—born prematurely at seven months—was delivered. She did not realize the importance of the doctor's advice to rest, and continued her work up to the day the baby was born. The prematurity of this baby and its death at the age of 7 hours could probably have been prevented had the mother had good prenatal care throughout her pregnancy, and had she followed the doctor's advice.

<sup>1</sup> Excluding three about whom no reports were available.

It is significant that of the mothers who obtained prenatal care, only 21 sought it because of discomforts or complications of pregnancy. And often women who had no prenatal care realized its importance, but had been unable to secure it, sometimes because of its inaccessibility, again because of its expense. One mother, who with her previous children had had good prenatal care, including monthly urinalysis, was much disturbed because she could not protect herself and her last child with the safeguards such care would have provided.

A fairly large proportion of the mothers had realized their need of instruction about prenatal care. One hundred and fifty-five, or one-third, reported that they had read books or pamphlets on this subject, sometimes borrowing such reading matter from their neighbors. A list of literature made up from the mothers' reports, contained such standard books as Slemmons's *The Prospective Mother*; *Practical Nursing*, by Pope and Maxwell; the Children's Bureau publication, *Prenatal Care*; and others. Several women's periodicals having "Advice to Mothers" departments were read by many of the women. "Doctor books," the names of which the mothers had forgotten, were frequently reported. There were also some books, standard in their day, but not containing the latest findings of medical science on the subject of prenatal care; and there were a few fairly good pamphlets, published as advertising matter. On the other hand, publications advertising patent medicines were common, and many books which gave dangerous advice—one of them, for example, advising mothers to get up on the second day after confinement—were for several women the only available sources of information.

However, even though much of the reading was indiscriminate and ill-chosen, the very fact that the printed page was sought by one-third of the mothers as a guide is an index to the intelligence of the community. The eagerness of the mothers to secure the Children's Bureau publication on this subject presages well their acceptance of further instruction in prenatal care, if such should be offered by county public-health nurses.

#### COMPLICATIONS.

It is never possible to get complete data on the complications of pregnancy and confinement in a community, and it is especially difficult in such an area as the one studied, where many mothers had secured no medical attention and no accurate diagnosis had been made. Unless a physician had informed her, a mother might not know of a laceration resulting from confinement; might not know of puerperal fever; and might accept as a normal part of childbearing many

symptoms which, with good prenatal and confinement care, she might have been spared.

However, there are several complications which any mother having experienced them would recognize. These are Cæsarean section, convulsions, premature delivery, stillbirth, and instrumental delivery. Seventy-four, or almost one-sixth of the women, reported at least one of these complications, nine of them reporting two and one reporting three. There were 39 premature deliveries, 10 stillbirths, and 7 cases of convulsions. Twenty-nine instrumental deliveries were also reported. That one-sixth of the mothers should have suffered these complications at childbirth is bad enough; yet this statement does not even begin to tell the whole story. These complications are the most easily recognized, and are very serious, but not necessarily the most dangerous. The greatest single cause of death in childbirth—puerperal septicemia—is omitted.

Although, as has been said, no attempt was made to secure statistics on any complications except the five already listed, many mothers reported symptoms of very serious diseases, either in addition to those listed above or separately. The significance of the dreary reiteration of such statements as "I have not been well since" can not be conveyed by statistics. Difficult presentations, prolonged labor, and lacerations were among the most common complications reported. One mother reported labor that lasted three days, after which she had fainting spells for one hour. Another mother was badly lacerated and the laceration was not repaired. She was unable to get out of bed for two and a half weeks, and it was many weeks before she could walk even around the house.

Many women had had severe hemorrhages. One mother, whose baby was born four hours before the physician arrived, was attended by a neighbor who had never had any previous experience in confinement cases. A hemorrhage followed the delivery and the mother said she nearly bled to death before the physician reached her. Several mothers had had chills or chills and fever after confinement, and one, whose delivery had been a shoulder presentation, developed a chill two weeks after confinement. The practical nurse who delivered her had told her that this was "a sure symptom of blood poisoning." No physician was engaged even then, and douches were given for several days without a physician's supervision. The mother remained in bed for two days, but was ill for two weeks. At the time of the Children's Bureau inquiry, over a year later, she was still in poor health.

"Blood poisoning" was frequently reported. One mother said she almost died; another, who did not consider a physician necessary at childbirth, felt very ill three days after delivery. Only upon the urgent advice of the nurse who had attended her, however, did she

finally send for a physician who diagnosed "blood poisoning, due to retention of part of the placenta." She was confined to her bed for 21 days and unable to resume her housework for over a month. Another mother who had had no prenatal care had three convulsions just preceding delivery, before the physician reached her, and four after he arrived. She realizes now how dangerous her situation was and that it probably could have been avoided had she secured good prenatal care.

Another mother, who said she had "kidney trouble" during pregnancy and had suffered from vertigo, had had no prenatal care. Her baby was born prematurely at seven months. Two hours after labor began a physician who lived over 20 miles away was sent for, but he did not reach the house until after the mother had had seven convulsions and the baby had been born, the father having performed all services. The mother was confined to her bed for three weeks afterwards.

Still another mother—a primipara—had an even narrower escape from death. During her girlhood she had had kidney trouble, and, though she was ill throughout pregnancy, she, nevertheless, had secured no prenatal care. Just before labor she suffered with severe nausea and vertigo and became blind. As soon as labor set in she began having convulsions. The father summoned the neighbors—one of whom was a practical nurse—and then went for the nearest physician, who lived 25 miles away. When the father reached his house the physician was out on another case. The mother had been in labor and had had convulsions for 36 hours before he arrived. The practical nurse had administered chloroform several times, but was afraid to continue on her own responsibility. The physician immediately delivered the baby, which was stillborn, with instruments. The blindness, convulsions, and an unconscious condition continued until the fourth day, but the doctor made no postnatal visits, nor did he repair a severe laceration which occurred during the birth. The neighbors took turns nursing the mother for the first four days. On the fifth day a graduate nurse was secured. The mother's sight gradually returned, but at the time the information was secured by the Children's Bureau agent, over five months afterwards, the mother reported that she had "not had a well day since."<sup>1</sup>

#### MATERNAL MORTALITY.

It is important to know what proportion of mothers in a given community die as a result of childbirth. The maternal mortality rate is commonly stated as the number of such deaths compared with the number of live-born infants in a given period.

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<sup>1</sup> See also discussion of Prenatal Care, p. 86.

During the five years covered by the Children's Bureau survey there were 628 live births in the district, and 8 mothers died from diseases of pregnancy or confinement.<sup>1</sup> In other words, the "cost" in maternal deaths for this number of live-born infants was 12.7 per 1,000.

Although the figures on which this death rate is based are small, it may, nevertheless, be worth while to compare it with other available statistics. The corresponding maternal mortality rate for the United States birth-registration area in 1915 was 6.6,<sup>2</sup> a rate only about half as high as that of the Montana area studied. And this rate for the United States birth-registration area is higher than the rate of any one of 15 foreign countries for which the figures for the year 1910 were secured.<sup>3</sup>

Of these countries, Scotland has the highest rate, 5.7, and Italy the lowest rate, 2.4 per 1,000 live births. The Montana district's shockingly high rate of 12.7 is more than five times as high as Italy's.

The risk to the mother may be stated as the number of maternal deaths in relation to the total number of pregnancies resulting in live or stillbirths. During the five years covered by the survey the total confinements to all mothers numbered 634. Seven mothers died, excluding one whose death followed a miscarriage.<sup>4</sup> This gives the high mortality rate of 11 per 1,000 confinements.

A comparison with other rural areas where similar studies have been made by the bureau is significant. In the Kansas area only 1 in 349 confinements terminated fatally,<sup>5</sup> a rate of 2.9 per 1,000; in the Wisconsin areas only 4 out of 661, or a rate of 6 per 1,000. In other words, childbirth is nearly four times as fatal to mothers in the area studied in Montana as in the Kansas area, and nearly twice as fatal as in the Wisconsin areas.

These rates are especially illuminating when considered in relation to the proportion of mothers attended by physicians, taking attendance by physician as an index to the quality of care a mother receives. Nearly all the Kansas mothers—95 per cent—and 68 per cent of the Wisconsin mothers were delivered by physicians, whereas

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<sup>1</sup> This does not include the death of one mother who did not recover after childbirth, but whose death certificate gave Bright's disease as the cause of death, and the death of another which occurred during the investigation, but after the period which the study covered, i. e., Aug. 1, 1912, to July 31, 1917.

<sup>2</sup> Computed from figures for the birth registration area of 1915, U. S. Bureau of the Census, *Birth Statistics*, 1915, p. 10; and *Mortality Statistics*, 1915, pp. 298-303.

<sup>3</sup> See Appendix A, Table I, p. 95.

<sup>4</sup> Owing to the fact that the reports of miscarriages were not complete they have been excluded from the number of confinements; to secure a "probability of dying" to correspond, the death of the mother following the miscarriage must be omitted. This death was included above in the statement of the "cost" in maternal deaths corresponding to 1,000 live births.

<sup>5</sup> Excluding two deaths which followed miscarriages.



only 47. per cent of the 463 Montana mothers <sup>1</sup> had the advantage of delivery by a physician.

Because of the knowledge that deaths from childbirth are largely preventable it will be significant to consider the kind of prenatal, confinement, and postnatal care afforded to these seven mothers.

In one family the mother was confined in midwinter. No physician had been engaged, though after a previous confinement where there was no trained attendant the mother had suffered a serious illness of six weeks' duration. The night before birth the family and a neighbor sat up late reading a "doctor book." The mother had had no prenatal care whatever. When the baby was born the father and a neighbor cut and tied the cord. Half an hour after the delivery the mother began to feel very ill. She became rapidly worse, and the father, three hours later, started for the nearest physician, who lived 15 miles away. The snow was deep and it took two teams of two horses each to get the doctor and bring him to the home. But six hours before the father returned with the physician the mother died. The doctor could not be certain of the cause of death, but thought that it was internal concealed hemorrhage.

One mother had been seriously ill for several months before childbirth, with hemorrhages and weakness. A severe, unrepaired laceration due to a previous confinement added to her wretchedness. In her sixth month of pregnancy she consulted a physician, who examined her, made urinalysis, and pronounced her in a serious condition and in need of hospital attention. The husband, however, could not be persuaded that there was any danger in so natural a function as childbirth, and the mother received no further prenatal care. At confinement she suffered no labor pains but had excessive hemorrhages. The physician, who lived 35 miles away, was sent for but did not arrive for 24 hours. He diagnosed the case as placenta prævia and delivered with instruments a stillborn child that he said had been dead for at least four days. When interviewed by a Children's Bureau agent he stated that it was a case of placenta prævia; that he had thought the mother was in no danger after the child had been delivered; and that he was surprised at a later call. He believed that blood poisoning had set in because the fetus had been dead so long before delivery. The mother died on the seventh day.

Another mother, who in her previous deliveries had experienced much difficulty, did not wish to go away from home for confinement because it entailed leaving her children. She consulted a physician several times during pregnancy, and he felt that she could be safely confined at home, though he did not examine or measure her and

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<sup>1</sup> Including those who left the area for confinement.

made no urinalysis. The mother had some instruction from a nurse. At the confinement—a breech presentation—the physician twice attempted to deliver her with instruments but did not succeed. After she had been in labor three days he realized that she could not be delivered at home, ordered an automobile, and took her to the nearest hospital, 115 miles away—a terribly long ride over rough roads—where she arrived thoroughly exhausted. The physicians called in consultation did not perform a Cæsarean section because of her condition. The following morning instruments were again applied, and a very large stillborn baby was delivered. The mother lived until the following day, when she died of exhaustion.

A young mother of 21 who was confined for the first time had had absolutely no prenatal care. Although she suffered from swollen ankles and what she believed to be kidney trouble, she had had no urinalysis and came to her confinement in every way unprepared, not even having read any instructive literature. The physician left shortly after the delivery, which had seemed to him quite normal. Six or seven hours later the mother developed convulsions. The physician lived only 10 miles away and was sent for again. He came and asked to have another physician called in, but the two physicians were unable to save the mother. She died 13 hours after the delivery.

Another primipara, who had been “ailing” all through pregnancy, attempted to relieve her discomfort with patent medicines—one a “womb and liver tonic.” Three weeks before confinement she had a hemorrhage and went to a physician, who told her that she was all right, though he made no examination and gave her no treatment. The confinement was complicated, the physician said, by placenta prævia. He was with her while she suffered for three days and three nights, but did not interfere. Finally he said that another physician must be sent for. Two physicians were secured from the nearest city, 60 miles away, but the mother died just before they arrived. The child was never delivered.

Another mother, who had a history of Bright’s disease, and whose death is, therefore, not included in the eight deaths resulting from childbirth, never recovered after parturition. She suffered from kidney trouble during most of her pregnancy, and in her sixth month consulted a physician. He made no examination or urinalysis, but advised that another physician be consulted. The family, however, did not follow his advice and neglected to engage a physician for the confinement, which an aunt attended. The child was stillborn. The mother did not recover, and her husband took her to the nearest city to see a physician, but “no medicine did any good.” After suffering from severe headaches, temporary blindness, and swollen legs for eight months—a great part of the time confined to her bed—she died.

Two of the mothers went away for their confinements. One of these had had kidney trouble in her girlhood, and during her entire pregnancy had felt miserable, yet up to the time she went away she had not seen a physician, had had no prenatal care, no urinalysis, and no instruction about her diet or how to take care of herself. About two weeks before her confinement she felt very ill, and two days later her husband took her to her parents in another State. They also lived out in the country, 26 miles from the attendant physician, who in addition to the visit at confinement made only four later visits. The husband (who gave the information) did not know whether after reaching her parents' home the mother had seen a physician before confinement. Her baby, born prematurely, died at 2 weeks of age. The mother continued to grow worse, and about six weeks after childbirth was taken to a hospital, where, after another six weeks of suffering, she died.

The other mother who left the area for confinement was a primipara. She went to her parents in a city two months before her baby was expected. Her husband (who gave the information) did not know what care she had had, except that three physicians were present when she died of puerperal septicemia on the eighth day after childbirth.

Is the area studied in Montana exceptionally bad, or does the whole State share its deplorable rate? The available statistics are so limited that it is impossible to answer the question. Montana is not yet in the birth-registration area and was only in 1910 admitted to the death-registration area; therefore the most significant maternal mortality rate—the number of deaths per 1,000 births—can not be reckoned. However, the maternal death rate per 100,000 estimated population has been computed and can be compared with rates for other States and certain foreign countries, as can also the rates per 100,000 female population and per 100,000 female population of from 15 to 44 years of age.<sup>1</sup>

The death rates from diseases of pregnancy and confinement per 100,000 population in Montana, from 1910 to 1915, were:<sup>2</sup> 16.4, 19.9, 18.5, 19.1, 23.1, 20.4; the average<sup>3</sup> rate for these six years was 19.6. The Children's Bureau, in a study of maternal mortality,<sup>4</sup> compared

<sup>1</sup> See Appendix A, p. 95, for tables showing these figures and for notes on the possible sources of error. The estimate of population is based on the assumption of a constant annual increase equal to that between 1900 and 1910. In the case of a rapidly growing State like Montana these estimates may not correspond accurately to the true population. The error would be likely to increase the longer the period after the census of 1910.

<sup>2</sup> Based on estimated population (Bulletin of the U. S. Bureau of the Census No. 133) and deaths from diseases of pregnancy and confinement (Mortality Statistics, published annually by the U. S. Bureau of the Census).

<sup>3</sup> That is, the average number of deaths related to the average estimated population for the six years.

<sup>4</sup> Meigs, Dr. Grace L.: Maternal Mortality, Table XII, p. 56.; U. S. Children's Bureau Publication No. 19. See also Appendix A, Table I.

the average rates of 16 countries from 1900 to 1910.<sup>1</sup> This comparison showed Sweden with the lowest rate, losing only six mothers out of every 100,000 population, and Spain the highest, with a rate of 19.6. Montana falls to the level of Spain's unenviable place, and is one of several States that lower the rate for the whole United States registration area, which occupies the discreditable rank of fourteenth, or third from the last, in this vital international comparison.

Comparison between the maternal death rate per 100,000 population for a State which has so great a preponderance of males as has Montana, and the death rates of the New England States or of foreign countries where the preponderance is almost always female, may be misleading. But the comparison gains significance when it confines itself to the death rate per 100,000 estimated female population aged 15 to 44 years. Here Montana makes an even poorer showing. Montana's maternal death rates for the female population of the ages specified for the years 1910 to 1915 were as follows:

1910-----	78.9
1911-----	95.9
1912-----	89.1
1913-----	92.0
1914-----	111.4
1915-----	98.4

Statistics for 11 foreign countries upon which some corresponding rates could be computed are given in Table III.<sup>2</sup> Montana's lowest rate, 78.9, was 13.8 higher than the rate for Scotland for 1914, which was 65.14, the highest rate found for any of these countries. Her highest rate, 111.4, was nearly four times as great as the lowest rate—29.3 for Sweden in 1911—found for any of the foreign countries.

When Montana is compared on the same basis—maternal deaths per 100,000 female population aged 15 to 44 years—with the other States in the death registration area, her showing is again unfortunate. Except for 1910, the first year after her admission into the area, she has had a higher maternal death rate than any other State. In 1910 Colorado exceeded the Montana death rate by 1.6. In 1911, 1914, and 1915 her rate was over twice as great as the lowest rates for States in the registration area for the corresponding years.<sup>3</sup>

That many of the deaths which go to make up such rates as these could have been prevented has already been emphasized. Significant as these figures are, they do not begin to indicate the sickness, invalidism, and misery which follow poor or inadequate care in childbirth. If some means could be devised to gauge these distressing

<sup>1</sup> Except where figures were not available for the entire period, in which case the averages for shorter periods were used.

<sup>2</sup> See Appendix A, p. 96.

<sup>3</sup> See Appendix A, Table IV, p. 96.

results, such statistics would be forthcoming as would compel the attention of the country and would give great impetus to the movement for the protection of the Nation's childbearing mothers.

#### MOTHERS WHO LEFT THE AREA FOR CONFINEMENT.

The purpose of going away for confinement is almost always to secure better confinement care than can be obtained on the isolated homestead. It is, therefore, not surprising that 63, or 6 out of 10, of the 104 women who went away were delivered by a physician, and that 27, or over one-fourth, of these were confined in a hospital or maternity home; whereas of the women who stayed in the county only 36 per cent were attended by physicians, and in 23 per cent of these cases the physician was late. On the other hand, that 14 women should have taken a long trip to get good confinement care and yet should have had no physician is a somewhat unexpected finding. One of these 14 mothers was attended at confinement by her husband on the way to the city; the others were attended by a midwife, a neighbor, or a relative in the places to which they went.

Just as the proportion of confinements attended by physicians is greater among the mothers who went away, so is the extent of after care by physicians. Only one-tenth of these mothers had no post-natal visits; whereas, in addition to the 27 who were confined in a hospital, 21 had over 4 visits, and of these, 7 had 10 or more such visits; that is, 48 or well over half the women attended by physicians had more than 4 postnatal visits, whereas of the mothers who stayed in the area only 7 of those attended by physicians, or 5.4 per cent, had more than 4 postnatal visits.

The mothers who went away had an added advantage in being relieved of their household and farm tasks for a longer period before and after parturition than the mothers who stayed at home and in the kind of nursing care they received. Fifty-three per cent had trained or partly trained nursing care, whereas of those who stayed in the area only 35 per cent had such care.

Often a great struggle is made and a large debt incurred in order that a mother may go away for confinement; frequently, however, the high cost of board and room, in addition to the expensive trip, is so great that the mother can not afford to be gone long; and often there are children whom it is difficult to leave. Therefore, it is not surprising that a large number of women who plan to go away are delayed by bad weather until the time for confinement is upon them, or that they do not allow enough time to take the long trip to and from the railroad in comfort.

One family started out in a sleigh at 7 in the morning on a 60-mile ride to the hospital. Toward evening the mother began having

labor pains. They had gone too far to return home, and, deciding that it would be best to try to get to the hospital, they drove all night. The next morning at 10 o'clock the baby was born, in the snow, 10 miles from the city to which they were going. The father was the mother's only attendant, and he cut and tied the cord. They then borrowed a more comfortable vehicle from a family that lived near the road and continued their trip to the hospital, the mother carrying the baby on her lap.

A long trip over bad roads and often in bad weather is a great physical drain on a woman near the end of her pregnancy; and the return with a small baby before the mother has completely recovered her strength may be even more taxing. One mother who was feeling very ill drove into the nearest city—a five-day trip by wagon—about a month before her confinement. It snowed every day and she had a very distressing time. When she and her husband reached their destination they moved into a shack  $1\frac{1}{2}$  miles from town, where she tried to keep house until the time for her confinement. She was unable to do her housework, however, and had to engage help. She did not have hospital care, but a physician attended her. When the baby was 10 days old they started back on their five-day trip.

Another woman left home with her husband in November, two weeks before confinement, and after a 65-mile auto ride to the railroad went over 100 miles farther by train in order to get to a hospital. They started back before the baby was 1 month old, in some of the worst winter weather. They knew this was unwise, but the mother was so worried about the other children at home alone—who would have no way to get help if any of them should become sick—that she was unwilling to wait any longer. The 65-mile journey from the railroad took four days. One night they drove till 10 o'clock before finding a place to sleep, and they spent one whole day covering the 4 miles between two post offices, where the road, though fairly level, was so deep with snow that their car could hardly get through.

Several mothers felt that an arduous wagon trip of four or five days was fully repaid by the care which they received. "The doctor told me I could never have lived through this at home without skilled care" was a typical remark after a woman had told of a difficult instrumental delivery, prolonged labor, or some other complicated parturition in a city, where physicians, hospitals, and trained nurses were available. There were some instances, however, where a mother went not to a city but to a rural district less isolated than her homestead, or to a little town where a physician could be much more easily secured than at home, but where there was no assurance of having good confinement care.

In 14 instances mothers were not attended by a physician; in 4 of these a physician had been called but arrived too late to perform any services. In 3 cases, though the physician was late, he arrived in time to cut the cord or deliver the afterbirth. So far as the physician's attendance was concerned, most of these mothers had taken long and expensive trips almost to no purpose.

Sometimes the possibility of getting a physician is the only thing considered. One mother, three weeks before parturition, went to a little railroad village, where she lived in a shack near a physician. There was no trained nurse in the village, and when on the third day after confinement she began to have convulsions, the frightened father sent to a city 80 miles away for a trained nurse. Two days later the mother showed symptoms of returning convulsions, and the physician advised taking her to the city from which the nurse had come, where she could have hospital care. In her dangerous condition she was taken over 80 miles by train to a maternity home. She is one of many mothers who report that they have not been strong since confinement.

Obviously, when the mother goes away, the expense of securing good confinement, postnatal, and nursing care, of getting some one to do the housework and care for the children left at home is a great financial drain, possible only for families who have some capital, credit, or some means of raising money. A large percentage of the families studied were homesteading at the time of the mother's confinement. To most of these such an expense would have been very difficult if not impossible. Some means, therefore, must be devised by which good care can be provided for all childbearing mothers, whether or not they can afford to take a long and expensive journey for confinement.<sup>1</sup>

#### COST OF CHILDBIRTH.

Because a community, in any movement to supply itself with good maternity care must consider the expense in making its plans, it is very important to study the cost of childbirth, along with other problems of maternity.

##### Physicians' fees.

The mothers in the area studied found childbirth very costly, especially those who had a physician's service or who went away for confinement. The same conditions which make it difficult to get physicians increase the expense when they are secured. The distance, the poor roads, the fact that some of the doctors must hire automobiles to get to their patients, the time they must spend on the way to

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<sup>1</sup> See Conclusions, p. 91; also discussion of Cost of Childbirth, p. 49.

and from patients when they ride horseback, or when a horse or team and wagon is sent for them—these things explain their high fees. Some physicians charge \$1 a mile. Others charge 50 cents. The charge for confinement seems to depend chiefly not on the doctor's services but on the distance the family lives from the physician.

All cases in which it was impossible to distinguish between charges incidental to childbirth and for other illnesses; in which the mother or father had not yet received a bill; in which they had paid not in money but in produce or other gifts, the value of which they did not know, have been classified as not reported.

Of the 219 mothers attended by physicians, 5 received free care, and in 13 instances the cost was not reported. Of the remaining 201, only 30, or 15 per cent, paid less than \$25; and 171, or 85 per cent, paid over this amount—22 paying \$50 or more. In 18 instances the cost of prenatal care—which in most cases consisted of one visit to the physician—was included in the above figures, and also the cost of whatever postnatal care was given.<sup>1</sup>

The place of confinement—i. e., whether in or out of the area—seems not to affect the physicians' charges, though a slightly larger proportion of mothers staying in the area paid \$25 or more; and this in spite of the fact that some of the mothers who went away had hospital care and that a much greater proportion of them had after care by their physicians.

### **Total immediate expenses of childbirth.**

The physician's fee, though the most definite figure obtainable in an inquiry on the expense of childbirth, is only a part of the total cost. In the area studied this charge, in many instances, does not enter into the cost, because such a large percentage of mothers were not attended by physicians. Under the heading "Total immediate expenses of childbirth" are grouped the expenses for prenatal care, fees of physicians and other attendants, nursing care, and expenditure for household help on account of confinement. This, though a nearer approach to the real cost of childbirth, is still a gross understatement, because the cost of supplies, the cost of food for the persons giving nursing care or household help, the traveling expenses of those mothers who went away—all expenditures which should be charged against childbirth—are excluded.<sup>2</sup>

There were 44 instances in which the total immediate expenses of childbirth were not reported, and 92 others in which all the confinement and nursing care and help with housework was given free of charge, either by members of the household, or by other relatives,

<sup>1</sup> See *After Care by a Physician*, p. 33.

<sup>2</sup> See section on *Aggregate Cost of Childbirth to Mothers Who Left the Area for Confinement*, p. 51.



friends, or neighbors. When these are subtracted from the total of 463, 327 instances remain. The total immediate costs in only 94, or 28.7 per cent, of these were under \$25. This is a striking contrast to the findings of the Kansas study, in which nearly half the families reported these costs as less than \$25. Moreover, many of the Montana mothers in this group received care which was almost free; for example, in one instance the grandmother delivered the mother, and she and an aunt came in daily, waited on the mother, and helped her with housework. For these services each was given "a little pig worth \$6." The total immediate costs for 134 women ranged from \$25 to \$49; for 71 women from \$50 to \$99; and for 28, or 1 mother in 12, \$100 and over.

These figures include the expenses of mothers who went away for confinement and had hospital care; but even for them the cost of getting to the railroad, the railroad fare, and the mother's board while away from home, except board included as part of a hospital fee, are not counted in. In 5 instances the cost to mothers who had hospital care was not reported, but in the other 22 the cost of childbirth in every instance was \$40 or over, and in 9 instances \$100 or over. This does not surprise one; but it is surprising to learn that of the 243 mothers from whom reports were obtained and who did not go away for confinement or did not receive free confinement care, 59, or nearly one-fourth, paid \$50 or more, and 15 paid \$100 and over.

The figures for the total immediate costs are much lower than they would have been if in many cases some free service had not been given; for example, free attendance at birth, free nursing service, or free help with housework.

#### **Aggregate cost of childbirth to mothers who left the area for confinement.**

It was possible in 19 instances in which the mothers went away for confinement to secure statements or estimates of the aggregate costs, including railroad fare, board, cost of household help on the homestead while the mother was away, etc. In all but 4 of these the aggregate cost was \$150 or over, and in 2 instances \$700 or more. No attempt has been made to tabulate these estimates in detail because the items they include vary greatly with the individual families. Some mothers who went away for the purpose of getting better care than they could have had at home combined a visit to a relation with their journey to secure good confinement care. These mothers usually paid greater railroad fares than those who went to the nearest city; but, on the other hand, they often paid nothing for board. Some families had to pay transportation to the railroad; others used their own vehicles and made no money outlay for the

trip. The length of time the mothers stayed away from home and the illnesses and complications of confinement were among the factors which made it impossible to give with accuracy the aggregate cost.

It is thought, however, that the following typical statements will show the great expense to which many of the parents were subjected. Each statement gives the items covered by the aggregate:

Aggregate cost at least \$240. Of this, the "total immediate costs"—i. e., for attendant's fees, nursing, and housework—were \$105. Besides this, the aggregate includes \$35 for rent and \$100 for house-keeping expenses for four of the five months the mother was away. The first four months were spent in the nearest city; during the fifth, the mother visited relations in Wisconsin. The aggregate does not include the cost of transportation to and from the nearest city nor, of course, the railroad fare to and from Wisconsin.

Aggregate cost \$180. Of this, the total immediate costs were \$100, and \$80 covered the stage fare to and from the nearest city and board while in the city. The mother went to the city five days before confinement and stayed two weeks after. She then left for a near-by town, where she visited her parents for four weeks.

Aggregate cost \$225. Of this, \$60 covered railroad fare and board. The mother spent 11 days in a hospital, and then visited her parents, but paid board while with them. She was away from home for two and one-half months.

## MOTHER'S WORK IN RELATION TO CHILDBEARING.

That healthy childbearing mothers during their entire pregnancy should keep fully occupied with work which affords them varied exercise, but which does not unduly tax their strength, is now the consensus of opinion among leading obstetricians. Ordinary housework and many of the chores on a farm afford mothers the opportunity for the necessary exercise; but some household tasks and many farm occupations demand heavy lifting or cramped posture or other excessive muscular exertion and entail hazards to the pregnant woman. This is at present too little realized by the women themselves, their husbands, and by the community as a whole.

In the area studied all the mothers but 2—of whom 1 was insane and the other a chronic invalid—did housework, and all except 11 reported washing as part of their usual work during pregnancy or after childbirth or both. In addition to their regular housework, more than half the mothers cooked or did other work for hired help. These services were, as a rule, of brief duration, but so arduous while they lasted that they deserve special mention. Nearly all the women—92 per cent—reported some chores, such as milking, churning, gardening, care of chickens, care of stock, carrying water, etc.; 76 women reported both chores and field work.

Perhaps no other occupation is so difficult to measure, either in regard to the effort it consumes or to its effect upon women as housework. The number of persons in a household; how many of them help the mother with her work; how many demand care; what hired help a mother can employ; the size and construction of the house; the conveniences and labor-saving devices; the location of the water supply; whether separating, churning, and butter making are among her undertakings—these are a few of the numberless factors in household labor. Indeed, even the weather and the season of the year affect women's work, especially in the country and in such an area as the one studied, where high winds and dust storms are to be reckoned with; and where in certain months extra tasks, such as cooking for a round-up, for a lambing crew, or for harvest hands are added to a mother's regular housework.

Again, especially among the older settlers, the "custom of the country" of hospitality to passers-by, whether friends or strangers, is a very considerable tax on a housewife's strength. One mother

whose husband is fairly prosperous said that the first Sunday after she moved onto the homestead, before she was settled, 30 persons, all strangers to her, "dropped in for dinner." Now, she said, guests do not come as often as they did, for a road house has been opened near by; yet, she often has from 10 to 15 extra persons at meals. Another mother, who is also an "old settler," says that people frequently stop for meals and lodging. She sometimes has 12 or 14 to dinner. Nevertheless, though such large numbers of guests, or even smaller numbers, add materially to women's work, very few of the women in this western country would be willing to save labor by limiting their hospitality.

The regular housework as it is done by most of the mothers is in itself not very extensive. The houses are small, most of them one or two room cabins or shacks, with a minimum of furniture. When of sod, unless they are plastered inside, they are hard to keep clean, because the sod gets very dry and dust keeps dropping into the room. To minimize the dirt this creates many women line their walls and ceiling with cloth, gunny sacking, or newspapers. One woman said that for a while she had sprinkled the walls with water, but that she was obliged to discontinue this practice because the water had to be hauled a mile in summer and was too scarce and precious to be used in this way. This house was neatly lined with newspapers. The advantages, so far as work is concerned, which the mothers have in a small house and simple furnishings are offset by the difficulties which crowding entails, by the scarcity of water, and by the lack of conveniences or labor-saving devices.<sup>1</sup>

#### HELP WITH HOUSEWORK.

Only 10 mothers regularly employed hired household help. Nearly all did their housework alone, or with the assistance of their husbands or other members of the family. One hundred and fifty-three, or less than half the mothers who were confined at home, had hired help with housework at the time of confinement. In 75 instances members of the household did the usual work of the mothers, and of these, 45 fathers did what housework was done until their wives resumed the household tasks. In 48 instances a relation, neighbor, or friend stayed with the mother or came in daily to do all the work, and in 46 other instances neighbors came in to assist the father or other members of the household with the work.

Sometimes several persons helped a mother with her work at the confinement period. In one case a woman came when the baby was 6 hours old and stayed 28 hours, doing the housework and taking care of the mother and baby. When this neighbor left, a young girl

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<sup>1</sup> See discussion of Housing and Sanitation, p. 61.

of 15 came and stayed one week, and she returned later for one day to do the washing. All this service was given free.

Even the women who were paid for their services performed them chiefly as an accommodation. In almost every case, the woman recorded as "hired help" also gave what nursing care the mothers received; or, to put it the other way around, the women who were hired for nursing care also did the housework, and in a large number of cases the same persons also gave the confinement care. For the most part, they stayed with the mother only a very short time, about half remaining less than two weeks. In about two-thirds of the instances their work was supplemented by a neighbor or a member of the family.

Even the well-to-do families and those who are very eager to hire some one to help with their work find it practically impossible to secure a servant, either at the time of confinement or at other times. One woman who was ill two months after childbirth had to get up out of bed to cook for 13 thrashers, who stayed four days. Most of the women in the area are homesteaders with households of their own to look after, and they would not have the time or inclination to supplement their income by domestic service for other families. In an emergency they will almost always "help out," occasionally accepting pay. This is usually in the form of a gift and not necessarily commensurate with their services. More often, however, they prefer a return service which is also given "as an accommodation."

#### CONVENIENCES AND LABOR-SAVING DEVICES.

Except for sewing machines, which were found in 322 households, or 7 in 10, there was a great dearth of conveniences. Even the families who are fairly well to do have very few labor-saving devices. One mother who lived on an exceptionally good ranch explained that, though she could afford some of the conveniences themselves, the prohibitive cost of their transportation from the railroad placed them beyond her reach. Another family tried to buy a high chair for the baby, but found that the carriage would cost more than the chair itself. Considering the transportation difficulties and that the great majority of the families were pioneering and by no means prosperous, it is noteworthy that 168, or over one-third the mothers, owned washing machines.

Two families were supplied with running water, which in one instance was piped into the house from a flowing spring, and in the other pumped in by a windmill, but no other family had running water, though 22 had windmills.<sup>1</sup> On 23 homesteads there were engines, but on 5 they were used only for farm purposes and not as a

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<sup>1</sup> See discussion of Water Supply, p. 67.

help in the housework. Eighteen mothers, however, had the advantage of engines, usually applied to the washing machine or used to pump water for household use. Two hundred and forty-three, or over half the families, had no pump, but were obliged to dip water from a spring or river or draw it from a well, often without the aid of a windlass or pulley.

Only a few women had sinks, all but 9 out of 463 having to carry their waste water out of the house. This is laborious at any time, but especially so on wash days.

Only one family had a furnace, all the rest depending for their heat upon stoves, which in most instances were used both for cooking and househeating. In 69, or a little over one-seventh of the families, gasoline or oil stoves gave comfort to mothers, especially during the hot summers when the heat from ordinary stoves aggravates the burden of housework. Many mothers took the heat as a matter of course and considered an oil or gasoline stove as an unnecessary or too expensive innovation. One woman said, "Oil costs money, but we can get coal for nothing." When a homesteader can dig coal from the side of a butte and can pull sagebrush, which makes a quick, hot fire and which is a grievous incumbrance to him so long as it grows on his land, it is not surprising that he does not buy a gasoline or oil stove.

Lighting, like heating, is still in a crude state. All the families depend entirely upon the kerosene lamp, except 15 who had gasoline lamps. There is no electric or gas lighting in the area.

Twenty-three mothers had bread mixers, four had fireless cookers, and one had a vacuum cleaner. No mother reported the iceless refrigerator—a very easily made and great convenience.

Various methods of keeping food cool were practiced. The dugout, cave, cellar, or "root house" were the most common, 8 out of 10 of the families reporting these. Often they are nothing more than holes in the ground or in the side of a butte, but sometimes they are fairly large. Sometimes a family living in a dugout will merely dig back a little farther into the hill and thus make their cellar or storeroom. Very often the cave or "root house" is some little distance from the house, and to take supplies to and from it adds appreciably to a mother's work. A cellar under the house is less common. None of the refrigerating devices is very cold, nor is any one of them an adequate substitute for ice. The fact that one mother kept her baby in the "root house" on hot summer days, because it was the only cool place she could find, may suggest the temperature of these cellars. Thirty-eight women kept their supplies in the well or spring, 11 had ice boxes, and 10 had ice houses. One father gets ice from the creek in winter and stores it in a dugout. In summer the family takes it out as it is needed and stores it in a box in the

cellar which is used as a refrigerator. A few other devices were reported, while 35 women had no means of keeping their food cool.

### CHORES AND FIELD WORK.

Four hundred and twenty-eight of the 463 mothers, or 92 per cent, reported chores as part of their usual work. Over two-thirds cared for a garden, and four-fifths raised chickens. Over one-fourth milked and two-thirds churned butter—usually for home use only, but occasionally for sale—and about one-eighth reported separating as part of their work. Nearly one-fifth cared for the stock; that is, fed and watered them.<sup>1</sup> Half the women carried water.

Carrying water is one of the most arduous of farm duties, especially in an area like the one studied where the water supply is often far from the house. However, when the supply is very far away the father usually hauls it by team in barrels, and the mother need carry it only from the barrel, which is usually kept near the house, into the kitchen. When the father happens to be away, however, if water is needed, the mother must attend to the hauling herself. One mother, who at the time of the investigation was in her fifth month of pregnancy, hauled practically all the water used for household purposes and for six horses, her husband being away a great deal of the time. She would hitch up, drive the wagon one-half a mile to the well, pump the water, and fill the barrels by the bucketful. The strain of lifting the heavy buckets to the top of the barrels certainly entails risk to the pregnant mother. The difficulty, whenever water is needed, of getting it from the barrels in the wagon can be imagined.

Of the 233 mothers who reported carrying water as a usual task, only 34 had the advantage of the barrels already hauled from the well or spring. In one instance the barrel was kept in the house. Of the other 199, only 26 had the source of supply within 25 feet from the house, and only 35 more had it within 50 feet. All the rest had to carry the water over 50 feet; and 96, or nearly half, had to carry it over 100 feet. Twenty-one mothers had to go a quarter of a mile or more, and in one instance over 2 miles for water.

Heavy lifting was frequently reported by mothers as the cause of a miscarriage or a stillbirth. One mother who lost a baby that was stillborn at seven months believes that the cause of this was the carrying of heavy pails of water from the well, which was half a mile from the house.

The use of melted snow or ice in winter saves<sup>2</sup> much hauling of water, but obviates only part of the labor of water carrying. One

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<sup>1</sup> "Riding after cattle" on the range is classified with field work.

<sup>2</sup> See discussion of Water Supply, p. 67.

mother, whose husband was away much of the time, cut a large piece of snow and in lifting it in a pan to the stove strained herself and the next day had a miscarriage. This occurred in the fourth month of pregnancy.

In addition to certain chores, 76 mothers, or about one-sixth, had also as part of their usual tasks field work, such as planting or helping with the planting of various crops, cutting and stacking hay, digging potatoes, plowing, harrowing, or riding after cattle. When the fathers are away—and many of them having supplementary occupations are away a great deal—the mother must bear the brunt of all the work on the homestead.

Of course, the harmfulness of any of these occupations—whether chores or field work—to a mother who is pregnant or who has a young baby depends upon the extent to which she does them and upon her strength. The facts that the great majority of the mothers had lived on a farm for at least 10 years before their marriage and that nearly half had done farm work in their girlhood are other factors which enter into the personal equation. Some mothers do very hard work and yet suffer no ill results. Others, as has been shown, after telling of some complication of pregnancy or of some serious condition after confinement, attribute the trouble to hard work during pregnancy.

#### CESSATION OF WORK BEFORE CHILDBIRTH.

The great majority (68 per cent) of the mothers continued up to the very day of confinement all their housework except washing, and over one-half continued even their washing. Practically the same proportion (one-half) continued their chores; 14 mothers did not cease even their field work before the day of confinement, and 24 performed some services for hired help. These figures would be even higher if cessation within one week of confinement were considered, but they are striking enough as it is. Moreover, the figures do not present a complete picture of the mother's work, because some mothers continued not one task, but several classes of tasks, up to the day of childbirth.

One mother, for instance, who, besides her housework, reported as her usual tasks milking, churning, care of chickens, gardening, and carrying water from a well over 300 feet from the house, continued all her work up to the day before confinement; and did a large washing on that day. Later in the day she walked 2 miles to a neighbor's, where labor suddenly began—all this in spite of the fact that she had not been well during pregnancy and that the membranes had ruptured five days before parturition. The father was



away, "freighting," at the time of confinement, and consequently he could not relieve the mother of her work; moreover, she had the added responsibility of things which must be done on a farm whether or not a man is there to do them. The mother remained at the neighbor's for confinement and for six days following. The day she reached home her husband, who had returned, did her work for her; but beginning the next day—that is, a week after confinement—she resumed her chores, housework, and washing, in addition to the added care of the new baby, who was not very strong. When the baby was 4 months old the mother had to cook for three harvesters for one week, and a month later for six thrashers for one day.

Another mother, in addition to her washing, other housework, and chores, cooked three meals a day for six hired men for three days preceding confinement, including the day the baby was born. She felt very ill, but was so eager to have the men finish their work before the cold weather came that she did not let anyone know how she was feeling. Labor came on suddenly on the evening of the third day and, though she had intended to have a physician attend her and was much frightened at not having medical care, the child was born so soon after the pains began that there was no time to send for a physician, and her husband delivered her. She resumed her housework and washing a week after childbirth and her chores two weeks after. This same mother, in her seventh month of pregnancy, cooked for 18 thrashers for one day.

Another mother, who had six children, of whom the oldest was 12 and the youngest 3, and whose husband during the last three months of her pregnancy was over 5 miles away herding sheep, rode to see him once a week. She made this long trip on horseback two days before the baby was born. The next day she did a large washing, though she had no washing machine or wringer, and on the morning of the day on which her baby was born she moved a heavy piece of furniture down into the cellar. Besides her housework, this mother had continued up to the day of confinement all her chores. These included caring for the garden and chickens, milking, looking after the stock, and carrying water from the well, which was 60 feet deep and a quarter of a mile away. The only aid she had during her pregnancy was from her two older children—a boy of 12 and a girl of 11.

Her new baby was born prematurely and was very small. A neighbor came and did the housework for four days after the baby was born. The mother stayed in bed only five days, and at the end of the week she was doing all her housework except washing and at the end of two weeks had resumed her washing and chores.

have all outdoors to play in, and that, except for the mothers, the members of the family spend much of their time out of doors, counteracts to some extent the evils of crowding.

The sleeping room congestion is even greater than the general house congestion. Nine out of 10 of the families slept 2 or more persons in a room; in slightly more than half the houses 3 or more persons slept in one room, and in 3 families out of every 10 the rate was 4 or more persons per sleeping room. In 27 instances there were 7 or more persons per sleeping room.

The number of persons per room or per sleeping room is only a rough index to housing congestion and offers no information about the adequacy of the cubic air space per person. Unfortunately this can not be given, since no attempt was made to measure the dwellings. The following few examples of overcrowded homes will doubtless give the reader a better idea of the house congestion than the figures convey (other examples will be found in the further discussion in this section):

A family of nine persons lived in two rooms. The main dwelling was a one-room frame house covered with sod. Three of the children slept in a dugout about 25 yards away.

Another family of seven persons lived in a one-room frame shack 12 by 14 feet. The two beds, a cookstove, and two chairs practically filled the room. The mother said that it was very hard to keep the house clean because it was so small.

In another family seven persons lived in a tiny frame house. A bed, a small table, a stove, and a few chairs entirely filled the main room, in which the whole family slept.

In another instance eight persons lived in a one-room house which was a combination of a tar-paper shack and a dugout. The room is very large. At the back were four beds; in the middle, a small cook stove. A table, some chairs and boxes used as chairs, and a shelf of dishes made up the chief furnishings of the room. There is only one window and so the back of the room is very dark. The outside of the house is picturesque, with a row of ears of red corn hanging across the front and some bright flowers in cans.

Another family, consisting of five persons at the time the baby was born, lived in a small one-room tar-paper shack. They have now moved to a "fairly large" frame house, which consists of two rooms and a pantry.

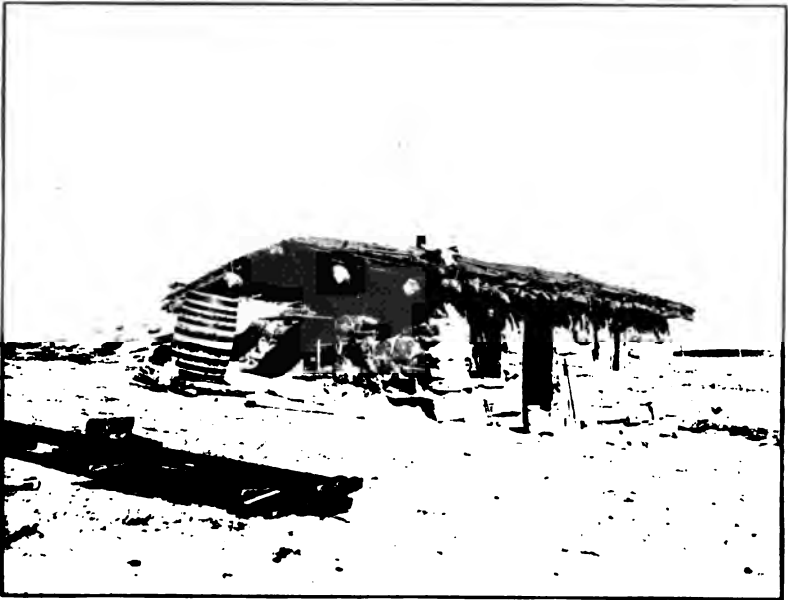
A very common arrangement in one-room houses and in larger houses where one room has to be used for many purposes or shared by many persons is a curtain hung on a wire across the middle of the room. Such a curtain can be pushed aside in the daytime and at night so drawn as to divide a room into two parts. This is a helpful arrangement, but of course does not relieve the crowding. The



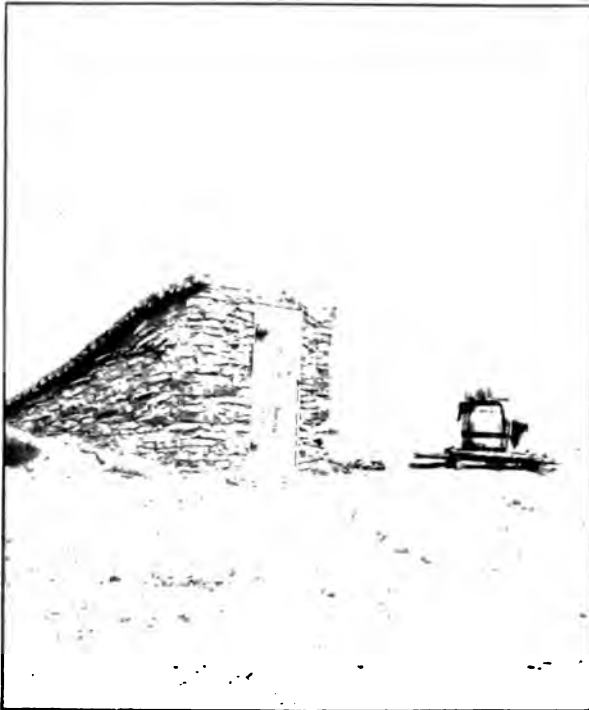
DUGOUT WITH LOG FAÇADE. NO OPENING  
TO OUTSIDE LIGHT EXCEPT THE DOOR.



COMBINATION DUGOUT, FRAME, AND SOD HOUSE.



STONE HOUSE. NOTE BUFFALO SKULL ON ROOF.



UNUSUALLY WELL-BUILT "ROOT HOUSE"; ALSO WATER BARREL.

extent to which the overcrowding in the small houses adds to the difficulties and discomforts of confinement may be imagined.

### CONSTRUCTION OF HOUSES.

The houses varied in type of construction and kind of building material much more than they varied in size. In the breaks nearly everyone lived in a log house. Elsewhere, the prevailing types were divided about evenly among the dugout, the tar-paper shack (a light frame structure covered with tar paper to keep the wind out), the sod house (made by cutting oblong chunks of sod and piling them on top of one another to form the walls), and the gumbo houses (made of the fine gumbo clay so common in the area and much like the adobe houses found farther south).

There were some houses made of stone, which in some instances had been quarried from the buttes on the homestead; and a few frame houses of the type common to the farms of the Middle West—plastered and ceiled inside and probably more comfortable than the other types, though not nearly so attractive in appearance. Often a house would combine several styles—would be part dugout, part sod, and part log; or a combination of stone and dugout; or part sod and part tar-paper shack.

#### Dugouts.

The dugouts, which are scarcely more than holes or caves in the sides of the hills, always have to be finished with some supplementary material, such as sod, log, or stone. Sometimes a home begins its existence as a sod, frame, or log house on the side or at the foot of a hill. Later, when the occupants wish to enlarge it, they dig back into the hill to make another room, and the house then becomes part dugout. In the main, the dugouts represent the crudest type of home, and the occupants usually regard them as temporary expedients to be given over for farm purposes or to be used only as supplementary rooms when better dwellings can be constructed.

A typical dugout, occupied by four persons is a small one-room home, almost inaccessible from the main road. To reach it, one must descend a steep, rough embankment and then climb another, equally steep and rough. However, steps have been cut into the hillside, and lead three-fourths of the way up the hill to the door. Only the front of the house protrudes from the hill. Two windows, each about 2 feet square, furnish all the light and ventilation for the home. A small bed, a stove, one chair, and several boxes constitute the furnishings and practically fill the little room.

Another dugout consists of two rooms, with a log front, on the side of a hill. Back of the kitchen a hole which serves as a cellar has been dug and provided with a ventilating flue. A family of eight occupies

the house. It is unscreened, and the chickens take advantage of their free access to the dwelling. Across one window, a chair has been placed to keep the pig from falling off the hillside into the room.

Another one-room home is a frame shack half buried in the side of a hill. The front of the house, which protrudes from the hill, is poorly constructed, and great cracks let in the wind. The meagerly furnished room offers only boxes for seats, and the narrow bed, which apparently serves the four persons who live there, has scant covering.

### **Sod and gumbo houses.**

The sod and gumbo houses are often much more comfortable and much more attractive than would be imagined by persons unused to them. As a rule the walls are thick and keep the houses cool in summer and warm in winter. Sometimes the interiors are plastered. A common and attractive plaster used for the interiors of gumbo houses is a mixture of lime, gumbo, and sand, which makes a fairly smooth sand-colored surface. The walls of some gumbo houses have been decorated by a sprinkling of laundry bluing, which gives a surprisingly effective "all-over" design.

A neat one-room house is built of gumbo mixed with straw, giving it a finish like that of a tinted concrete house. The walls are 18 inches thick. The roof of sod is reinforced with heavy timbers. Cross ventilation is secured by two windows, 2 feet square, in opposite walls. Both windows and the door are carefully screened. A family of five persons lives in this one-room dwelling.

Another sod house has two rooms in which nine persons dwell. It is built somewhat on the principle of the dugout; that is, though it stands on comparatively level ground, one has to descend four steps to enter the two rooms. The walls are decorated with an odd blue stencil. The house, though crowded with children and furniture, was clean and cool.

An exceptionally good two-room sod house has a very attractive exterior. The red, slanting roof and the bright-red broken shale piled up against the base of the house contrast pleasantly with the gray of the sod. The three short windows placed side by side, giving the effect of one broad, low window, carry out the horizontal lines of the house. Inside, the walls are a warm gray plaster. The main room is large. The floor is covered with linoleum, with rag rugs here and there. Under the broad windows on one side of the room is a long, low box used as a window seat; and on either side of this are bookcases full of well-worn books. There is no crowding in this house, for it is occupied by only three persons—a mother, father, and baby.



THE FATHER OF THIS BABY HAS TAKEN THE PRECAUTION  
OF FENCING THE ROOF OF THE DUGOUT AGAINST  
CATTLE.



INSIDE A ONE-ROOM FRAME HOUSE.



LOG HOUSE IN HELL CREEK.



LOG AND FRAME HOUSE AND OPEN WELL.



**Log houses.**

In the breaks, where lumber can be found, most of the houses are made of logs. The breaks were settled before the other parts of the area, and most of the well-to-do ranchers lived there; it is, therefore, not surprising that some of the log houses are large and well furnished.

One ranch home, large in comparison with most of the homes in the area, has four well-furnished rooms, including a large kitchen and living room. Good porches, screened in, and a well-fenced yard add much to the comfort of the household of six persons.

Another home in the breaks is a broad, low, log house, nestling under a group of pine trees and facing a broad expanse of cleared land. The mother and father carefully selected the most effective location for the house. It has three large, comfortable rooms, well furnished and not crowded, though seven persons occupy them. There are plenty of broad, low, small-paned windows, with rows of plants on the window sills.

The majority of the homes—even in the breaks, where they are somewhat larger than those in the rest of the area—are small and crowded. One log house, in which live nine persons, consists of two rooms; the main sleeping room is the cellar under the house, though there is one bed in the upper room also. The interior walls of this house are painted white. The ceiling is papered with newspapers.

Log houses have certain structural disadvantages. They must be "chinked up" about twice a year with cement or mud. The logs contract and expand with the differences in moisture and temperature, so the chinking can not be permanent.

The interiors of the homes in the area represented many stages, from the crude and almost unfurnished to the plastered, ceiled, and well-furnished home. Many houses had no floors except the ground, and often a floor covered only one room or occasionally only part of a room.

**FURNISHINGS.**

Many families, either because of financial necessity or because of the difficulty of getting furniture from the railroad, were using various makeshifts and substitutes for regular furniture. The most common instances were boxes used for chairs. One family had no bed but used springs set on boxes. In another instance, where a family of seven lived in a one-room house, the mother and two children used a narrow bed and the rest of the family slept in a flax bin which occupied one side of the room.

Frequently very attractive homemade furniture was found. One family, for example, had a homemade cupboard, and a table so

hinged that it folded up and served as the door for the cupboard; also a baby's high chair, ingeniously made chiefly of small boxes, which could be converted into a kitchen table.

Occasionally a family, realizing the need for recreation, purchases a phonograph, organ, or piano before ceiling or plastering the house or buying much needed furniture. Thus, a family of 11 lives in a one-room log house which is not plastered or papered. The room was not large, but it contained a wooden bed, an iron bed, a table, a range, a heating stove, a dresser, several open shelves, nine chairs, an empty box to be used as a chair, another box used as a soiled-clothes hamper, a board across some small wooden horses, a half dozen full gunny sacks, and a phonograph. The difficulty of house-keeping and caring for children in this house may be imagined. The home was not screened and chickens flew in and out at will.

### SANITATION.

#### Flies.

Despite the difficulties imposed upon the housewife by the crowding, the lack of a convenient water supply and of household conveniences, the homes were on the whole clean. Two hundred and sixty-two homes, or well over half, were adequately screened against flies; that is, had screens in good repair at every door and window.

Unfortunately even adequate screening does not insure freedom from flies. Where there are children running into and out of the house, the screen door is only a slight protection. Moreover, when a house is poorly constructed, or in the case of log houses when the mud chinking falls out, flies enter through the cracks. Some houses, immaculately clean and well screened, were infested with flies. In the homes which were not screened the flies during the hot summer were a great and constant nuisance. The infrequency of sinks aggravates the fly problem, for many of the women throw the waste water out of their doors. Unscreened privies were doubtless prolific breeding places for flies. The unscreened homes have other intruders to contend with besides the flies. In warm weather, when windows and doors must be kept open, the chickens and pigs avail themselves of the housewife's unwilling hospitality and in spite of much shooing and chasing make themselves quite at home, especially on the sod floors.

#### Privies.

Although one or two well-to-do families were planning to install flushing toilets, at the time the survey was made the area had none—not even in the little villages. Slightly more than three-fourths of the families had privies. For the most part, these were deep-pit privies, closed in back, built of wood, and occasionally covered with



TAR-PAPER SHACK. NOTE PILE OF SAGEBRUSH.



FRAME SHACK.



A RANCH AND A TYPICAL SKY LINE.



COMBINATION DUGOUT AND TAR-PAPER SHACK.

tar paper, very few being of the open-in-back type so common in southern rural areas. Often these wooden privies had no doors; in some instances a piece of burlap or sailcloth hung in the doorway provided privacy, but only a precarious protection against the weather. Some privies were found without tops, making them useless in rainy or snowy weather. Covers to the seats were often lacking—doubtless partly because of the high cost of wood.

Several privies were built of sod, and occasionally a dugout would be used as a privy. One, for instance, in the side of a hill, was part sod and part dugout. It was built mostly of sod, with a wooden roof, seat, and door. This was an insanitary arrangement, for animals could easily enter it. In most privies, however, the excreta were protected from chickens and larger farm animals, though very little effort was made to build the privies fly-tight.

One hundred and eight families, or nearly one-fourth, had no toilet of any kind. One family, for instance, had been homesteading for over three years and had not yet built one. The high cost of timber, which has frequently been commented upon in these pages, explains this lack in many cases. On the other hand, people often reported that they had had toilets, but that the high winds had blown them away.

#### **Water supply.**

Perhaps the most serious problem in sanitation is the water supply. Over the greater part of this dry country water is scarce and hard to get; and well drilling is expensive, costing \$1.50 to \$2 per foot, and no one knows how deep he will have to drill before he reaches water. One father drilled 200 feet for water at a cost of \$300. Only 54 families had drilled or driven wells; the great majority (313) had dug wells; 62 had springs; and 32 depended on a river or creek. These figures represent the sources of water supply used during the greater part of the year.

Even dug wells are expensive and laborious to dig, and there is always much uncertainty of finding water. In one family the mother and father together dug eight wells on their homestead and yet found no water. They said that the water from a near-by creek was "bitter" and had caused the death of \$900 worth of horses in two years. They haul their drinking water from a dug well 1 mile away; and the water for the stock and for household use from a similar well one-half mile away. Another family had dug two wells near the house, but both were washed in by cloud-bursts. The family has since dug a third well, 23 feet deep.

Some shallow wells which are dug in coulees depend for their supply upon day-to-day seepage; these can be used only part of the time. One family, for instance, dug such a well in a coulee a quarter of a

mile from their house. For about five months of the year, in the winter and spring, they can not use it, because the coulee is then filled with snow or surface water. During this period they use creek water.

Many families use several water supplies for different purposes. Nearly all the water in the area contains much alkali or soda and some of the wells and creeks are so alkaline that they can not be used for drinking, cooking, or for the stock. One family used four separate sources—one for drinking water, one for water for washing, and two for the cattle only. Another family used a dug well for water for the stock, and because the well water had been "getting low" on account of the drought the family drinking water was carried from a relative's homestead, a quarter of a mile away. In another instance the drinking water was hauled 5 miles, and the other water 3 or 4 miles. The father said that half his time was spent hauling water and driving his horses to and from water.

In winter melted snow or ice was commonly used. Some families who lived near a river harvested as much ice as they could and melted and used it as long as it lasted in the spring. The mother in one family where this plan was followed assured the agent of the purity of the water, stating that "freezing destroyed all germs." In this same family, when the ice gave out, barrels were hauled to the top of the cliff overlooking the river, and water was dipped from the river in pails, which were carried up and emptied into the barrels. The barrels were then hauled home, a distance of  $1\frac{1}{2}$  miles. This laborious method is the one usually followed by the families using river water.

The use of melted snow is common. One mother complained that in the preceding winter the snow was so deep over the spring that the family had to use snow water until the father could tunnel in to the spring. He was planning to pipe the water 300 feet nearer their house. It is now 500 feet away.

This report can make no definite statement about the pollution or purity of the water, because no samples were analyzed in connection with the survey. Although the State board of health maintains a laboratory to which people may send samples of water for analysis, there is no complete inspection of the water supply. The facts that there have been a few recent cases of typhoid fever in the area studied, that very few of the wells are protected from possible pollution, that many shallow wells are used—all lead one to think that some of the water is polluted. A few of the springs and dug wells were carefully cased, provided with pumps, and protected against dirt and surface drainage, but these were the exceptions. For the most part the wells and springs were open, sometimes accessible to the stock,

and usually ready to receive the dust and dirt which the frequent high winds helped to distribute. The spring rains and the melting snows wash much surface soil into these unprotected wells. The use of buckets, whether lowered into the well by ropes or dipped in by hand, is a possible source of pollution.

To protect a dug well from pollution would seem to many families too expensive to be undertaken, partly because, since a well is in danger of drying up in summer, it does not seem worth while. There was much talk in the area of the taste of the water, but very little as to its purity.

Because the country is new and sparsely populated, few serious results have followed the lack of caution in regard to the water. Doubtless, when the area becomes more thickly settled, diseases which are attributed to impure water will become a menace to the health of the community, unless measures are taken to protect the water supply.

## INFANT CARE AND THE WELFARE OF YOUNG CHILDREN.

### INFANT MORTALITY.

In any discussion of the welfare of young children, the first question usually relates to infant mortality. Of the babies born in a given area how many live and how many die, and what have been the causes of the deaths? Unfortunately this question can be answered only in part, because in some cases where babies died no physician was in attendance, and the information about the causes of death is not specific. Moreover, the number of children covered by the inquiry is small and it is difficult to draw conclusions.

No attempt has been made to calculate an infant mortality rate for the period covered by the survey. This period—five years in duration—was so long that deaths which occurred four or five years prior to the time of the survey might easily have been missed.

Of the 198 live-born babies whose mothers were visited within a year after childbirth 14 died before the visit of the agent. Since none of these infants had had a chance to live a year it is probable that a few more failed to complete this period. The 14 deaths which had already occurred among the 198 infants give, therefore, a minimum infant mortality rate of 71 per 1,000.

This rate of 71, while lower than the rate for any city studied by the bureau, is much higher than the rate of 54 per 1,000 found for the rural areas studied in Wisconsin, and nearly twice as high as the rate of 40 per 1,000 found for the Kansas area.

Of the 14 babies who died all but 4 were less than 1 month old at death. There were no deaths of infants over 5 months old.<sup>1</sup>

Preventive medicine has shown that a large proportion of stillbirths and deaths in early infancy can be prevented by providing for the infant and its mother adequate care before, during, and after childbirth. The lack of such care has already been discussed. Some of the infant deaths in the area could probably have been prevented if the safeguards approved by modern science had been available.

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<sup>1</sup> The average age of the group at the time of the survey was approximately 8 months. Probably all the deaths under 1 month in the group are included in the 14 that occurred before the agent's visit. For the months after the first, about as many deaths would have occurred after the visit of the agent and before the first birthday as already had occurred—that is, perhaps 4 deaths would have to be added to the 14 recorded to make up the complete toll of deaths in the first year of life, giving a rate of 91 per 1,000.



## INFANT FEEDING.

The majority of the mothers showed great intelligence in feeding their infants. Practically all the babies received some breast feeding, all but 5 per cent being breast fed for the greater part of their first month. In the third month the proportion was still high—about 80 per cent exclusively breast fed—and in the sixth, 60 per cent. After the sixth month many mothers began to supplement breast feeding with artificial food of some kind. However, in the ninth month 22 per cent of the infants were exclusively breast fed, and only 21 per cent had been weaned before the middle of that month.

These findings are much the same as those of the Kansas survey. They are in marked contrast to some of the findings of the infant mortality investigations which the bureau has made in cities where infants were weaned at much earlier ages.

Pediatricians have long emphasized the importance of breast feeding. This survey, like the other rural surveys of maternity and infant care which the Children's Bureau has made, bears out their advice. In all these surveys the custom of breast feeding is more prevalent, and the period over which children are breast fed is longer than in the city surveys; and in spite of the many untoward conditions of prenatal, confinement, and postnatal care found in several of the rural areas studied, and notably in Montana, the infant mortality rates are in all of them lower than the rates for any of the cities studied. To be sure, many factors besides feeding affect the health of babies, but this almost invariable coincidence of a low death rate with a high percentage of breast feeding is significant.

As the Montana mothers were wise in nursing their babies, so also were they for the most part wise about withholding solid food during the children's early months. The definition of solid food as used in this connection includes such things as gravy, milk thickened with flour, cereals, or crackers, in addition to the foods which one usually considers solid. Only one baby in five had been given any such food by the end of the sixth month; at the end of the ninth month 38 per cent of the infants had not yet received any solid food.

Although the proportion of mothers who fed their babies wisely and carefully was high, there were many cases in which a child was improperly fed and in which the mother needed guidance. Thirty-two babies had been breast fed as late as their eighteenth month and nine as late as their twenty-fourth, the mothers not having realized that such late nursing was disadvantageous to the babies and to themselves. One infant, since his third week of life, when he was weaned, had been given "whatever he wanted" or whatever the

family had. The mother, hearing that cereals were good for babies, had gathered some oats from her field and boiled them and fed them to him. The baby, at 10 months of age, was decidedly retarded in development and in poor physical condition. He had no teeth, was small and thin, with an unnaturally white skin, and eyes encircled with wrinkles. The mother of this child was very eager for suggestions about infant care.

Another mother, in addition to breast milk, began giving the baby tastes of food before she got up after confinement. She said she liked highly seasoned foods, and gave the baby a little of everything she ate, including wine, meat, and vegetables. Another mother, whose baby (weaned at 2 months) suffered from indigestion, did not consult a physician, but read some books which advertised prepared foods and tried to feed the baby according to these books; but the patent foods did not agree with the child. Finally the druggist suggested cows' milk and lime water, a food which at last the baby could digest. The mother commented that "one trouble with feeding a child patent food is that if the drug store runs out of it, you have to change the baby's diet, because in winter it is impossible to get supplies from the nearest city, 90 miles away."

Many mothers were eager for advice and had made great efforts, occasionally misdirected, to get information about child care. Several mothers, when visited by the Children's Bureau agents, were much worried about problems of infant feeding. One, for example, was pregnant and did not know whether or not to wean her baby. Another mother said she was afraid she "would never be able to raise her baby" because she had not had enough breast milk, and had had to wean him at 2 months. Since that time she has had much trouble finding food which the child could digest and had changed his food several times, according to the advice of the neighbors. She first used cream and water; then for a short while cows' milk; then some patent foods; and after the sixth month cows' milk again. The child was delicate until the seventh month, but a physician was never consulted.

Occasionally mothers received with surprise the advice to consult a physician about such a thing as feeding a baby. To some this seemed an extravagance, until it was made clear that good advice about the feeding and care of a child would probably keep it from getting sick and in the end be a saving of money as well as of suffering. Unquestionably public-health nurses, whom the mothers could consult about the care of their children as well as about many other health matters, would find a fertile field for their activities in the area studied and would be gratefully received by the mothers.

## INSTRUCTION IN INFANT CARE.

Just as a considerable amount of reading about prenatal care was reported, so, too, many mothers (162) reported literature as a source of information about child care. Here, also, the types of reading matter ran the whole gamut from such standard works as those of Holt, and the publications of various Government and State bureaus, to quite worthless patent medicine advertising matter, and to works purporting to be of medical value to laymen but whose whole reason for existence seems to be to give employment to book agents.

One mother reported that she had followed exactly a bulletin from the Department of Agriculture on the feeding of babies. Another said that in order to rear her baby according to the advice given by a physician in a woman's magazine she had had to fight the prejudices of grandparents and neighbors, who urged the family diet for the child. Thirty-four mothers had received instruction about the care of their babies from physicians and 20 from trained or practical nurses. The majority of the mothers had had no instruction about infant care, though many of them realized their need of such information.

## DIFFICULTIES OF GETTING MEDICAL CARE FOR CHILDREN.

The same limitations which make difficult the securing of medical care for mothers in confinement—weather, bad roads, lack of physicians and nurses, and expense—complicate the care of children in need of medical attention.

"Winter weather," said one mother, who lived 45 miles from a physician, "makes us prisoners. I can't tell you how I'm worrying about the winter, for if my baby should get sick I'd be helpless."

Many accounts of the difficulty of getting necessary care for sick children and of the lack of such care were given. One mother had to take a child who had appendicitis over 125 miles to the nearest hospital for an operation. The appendix ruptured on the way and the child nearly died, but fortunately recovered.

Nine of the 21 children who died were unattended at death by a physician. One 5-day-old baby became ill at a time when the Big Dry Creek had overflowed its banks and there was no way to cross it; therefore, no physician could be sent for. The baby was taken sick in the afternoon and died in the evening. In another instance the nearest physician, who lived 8 miles from the family, was away when its 18-day-old baby fell ill, and the next doctor, who lived 25 miles away, was sent for. He did not arrive until after the baby's death.

In another family, in which none of the children is robust, one child at the age of 1 year had a long series of convulsions for many days. No physician was secured for him. The nearest physician lived 25 miles away and across the river. This child recovered but is still not strong. In still another family, which lived about 40 miles from a physician, the mother and three children had scarlet fever and were for several days without medical attention of any kind. Fortunately they recovered.

The lack of medical facilities is especially serious in cases of accidents. There was one very distressing instance of this. A small child got a peanut shell in his windpipe. His parents at once took him to the nearest village, but the physician there could do nothing, and they hurried on to the county seat. There they were told that a specialist at another city, about two hours' ride away, could operate. When they reached that city they found that the physician did not have with him the necessary instruments, and the mother and baby started for an eastern city. The child became so much worse on the train that the conductor put the mother off at a small city. Physicians there operated and removed the peanut shell from the windpipe. The child died, nevertheless, a few hours later.

In another instance, a pin lodged in a child's throat, and the child had to be taken over 125 miles to have it removed; 18 hours elapsed before the family reached the physician who extracted it.

Another child fell from his sled and cut his nose badly. The nearest physician—45 miles away—was sent for. He did not arrive that day, and late the following afternoon the mother, on her way to summon him again, met him 15 miles from home. He came and attended to the wound. His charge was \$45.

Sometimes, in cases of illness as well as of accident, a mother, to save time and expense, will take a sick child to a physician instead of sending for the physician and waiting anxiously for his arrival. One mother, for example, drove 7 miles one winter day with a very sick baby. The long, cold drive in the snow aggravated the child's illness, and he died after reaching the village where the physician lived.

Frequently, and especially in cases where there is no acute illness but a chronic condition, cost leads the family to neglect or postpone treatment. One mother, whose baby's feet were deformed, making it difficult for him to learn to walk, realized that something should be done, and said that if next year's crop was good, she would take the child to the nearest city for treatment. The distance—about 150 miles—was so great that the expense in addition to the doctor's bill would be very considerable. Another mother, whose child seemed to have a defective palate, said she realized that medical attention was needed, but that she could not afford it. In another family a

3-weeks-old baby had convulsions, but no doctor was sent for, partly because the family could not afford one and partly because when previous children suffered from the same symptoms physicians had said that nothing could be done.

Often families are most eager for medical attention for their children and can afford to pay a moderate price but do not know where to get any specialized care. There are no specialists within the area. One mother whose children had symptoms of adenoids did not know where she should take her children for treatment. Several families had taken their children to hospitals in near-by cities, and some to specialists in the East. A mother whose baby had stayed in a hospital for five weeks suffering from what the local physicians had diagnosed as "summer complaint" felt sure that the child would have died had she not been able to take him to a hospital.

Because medical care is so inaccessible and so expensive, and because there are no public-health nurses in the area to whom people can turn for advice, mothers are often driven to the use of home remedies or to the counsel of neighbors. These neighbors are often as uninformed about child care, first aid, and home nursing as the mothers themselves.

Occasionally the mothers take other means of securing advice. One father, while in a city, saw a physician, to whom he told his sick baby's symptoms and from whom he obtained some medicine. In another family an elaborate home treatment was applied to a child bitten by a rattlesnake. In addition to giving the antidote of whisky, the family applied the entrails of chickens and sheep to the wound. The child finally was laid inside the slaughtered sheep, that his entire limb might be in contact with it. Fortunately the child recovered.

#### BIRTH AND DEATH REGISTRATION.

At the end of the Children's Bureau inquiry the bureau sent to the child-welfare division of the State board of health the names of the live-born children covered by the inquiry, excluding those whose mothers went out of the area for confinement. By checking these names with the registered births the State board of health made a birth-registration test in order to learn how nearly the area studied approached the standard set for admission into the United States birth-registration area; namely, the registration of at least 90 per cent of its births.

Although Montana has practically the model birth-registration law, only 31 per cent, or less than one-third, of the live births checked for the five-year period covered by the inquiry were found to be registered. Moreover, nearly one-fifth of these births were registered after the mothers had been visited by the agents of the Children's Bureau, who pointed out to parents the need for registration

and the disadvantages which a child might suffer for want of a birth certificate. Of the infants born in the year preceding the agents' visit 39 per cent were registered. The fact that a large percentage of births were not attended by a physician explains, to a certain extent, the lack of registration; not entirely, however, for of the physicians' cases 47 per cent, or nearly half, were not registered. These figures are presented not as an index to birth registration for the State as a whole—for doubtless many counties in the State have good registration—but as the findings of the test for the area studied.

A test of death registration, including maternal and infant deaths, showed that death registration was incomplete. Of 21 infant deaths, 12 were unregistered. Some of the maternal deaths also escaped registration. Several parents said that their children's deaths had not been registered and usually added the excuse that they had had no physician in attendance. In one instance, in a remote neighborhood in the breaks, a Children's Bureau agent, after having been told that there had been no death certificate for a child who had died, asked what was done when permission for burial was needed. The reply was: "Why, we can't wait for permission to bury our people when any of them die. It takes far too long. We had no certificate for my child and when Mrs. ——'s three children died a neighbor came and built coffins for them and we just took them up over the hill and buried them."

In connection with the incomplete birth and death registration it is significant that the State board of health, though it is provided by law with a bureau of vital statistics, has no special appropriation for the work of that bureau. One clerk does practically all the work of filing the birth and death certificates.

The importance of birth registration has never really gripped the attention of the United States, though it has been recognized in every other civilized country. Many parents have never heard of birth registration, and many others who do not know whether their own births are registered, and who may never have suffered as a result, are careless about providing birth certificates for their children. To some it seems the physician's business—possibly something which the law requires to prevent malpractice, perhaps merely "red tape." But many of the Montana parents who are now struggling hard to win their homesteads and to dig a livelihood from their thirsty half sections would be chagrined by the thought that a child of theirs might lose the opportunity of inheriting their hard-won acres because some one—physician, midwife, or the parent himself—had neglected to provide a birth certificate.

It is only recently, and only in certain parts of the country, that propaganda to interest every mother and father in registration of the birth of every infant has been spread. The value

to the individual child is not the only stimulus which moves Federal, State, municipal, and private organizations to urge every physician to register births, and every parent to see that his child's birth is promptly registered. It is not only because a child will probably need a birth certificate to prove his legal right to inherit property, to vote, to go to work, or to be protected against premature employment, or for many other uses which could be itemized; there is a bigger and even more cogent reason for birth registration and for death registration. A count of the number of people in a country or community—of the number who are born and the number who die—is the only general measure now procurable by which we can gauge public health. Only by knowing how many babies are born and how many die in various communities and under varying social influences can we learn what conditions are favorable to infant life and what conditions are fatal to it.

Until every birth and every death is registered we have no means of measuring the infant health of a community and, therefore, are not able to improve it to the possible limit of improvement. For this reason every parent should regard it as a patriotic duty to see that the birth of his child is promptly registered.

## CHILDREN'S HEALTH CONFERENCES.

The survey included a series of children's health conferences held in cooperation with the child-welfare division of the State board of health and with local committees in four different parts of the area studied. The purpose of these conferences was to demonstrate the value of a thorough physical examination of well children, and to offer to every mother an opportunity to consult with a Government physician about the individual needs of her child and about the many puzzling problems which arise in the bringing up of children.

The conferences were held for five days, and 129 children were examined, nearly all of them under 6 years of age. About one-third of these children had no defects, and of the defects found in the others many were slight, and such as could be obviated by a change in diet, or in some cases by a single visit to a dentist. On the whole, the conferences bore out the impression which all the agents making the survey had had—that these Montana babies were for the most part very sturdy and well.

The conferences were in no sense clinics, and neither treatment nor medicine was given by the physician in charge. When defects which needed the attention of a physician were discovered, parents were advised to take their children to the family doctor; or, when the defects discovered required the services of a specialist, counsel was given accordingly. The thorough and careful examinations by the physician frequently revealed a slight defect or inferiority in development which at the time was causing no distress to the child, but which might later prove a serious handicap and which by immediate treatment might be easily cured.

Several mothers who had been worried about their children, but who had not consulted a physician, were much relieved to learn that the condition of the children was not serious and could be easily and quickly remedied. One mother whose husband had died of tuberculosis was very anxious about a child who had been "ailing" and who she feared had inherited the father's disease. Her relief may be imagined when the examination revealed that the child had no symptoms of tuberculosis but had been unwisely fed and merely needed a better balanced diet. Another mother, who had thought that her child had kidney trouble, was greatly relieved to know that the trouble was much less serious.



After consultation, each mother received a written summary of the advice given her in regard to the child examined. The following few examples will illustrate the nature of these summaries:

This child is undersized and his distended abdomen indicates that he has poor digestion and that there is too much starch in his diet. His general nutrition is poor but can be improved by careful feeding. Give him only three meals a day with a cup of milk in the middle of the morning and the middle of the afternoon; let him have only stale toasted bread with his milk. Fruit juices and green vegetables would correct his constipation. Weigh him each month and keep a record of his weight to see that he gains.

This baby is very well, and normally developed. It is important to regulate his feeding so that he may remain well. Follow the advice given in *Infant Care*, pages 42 to 49. We shall send you another circular about feeding a baby of this age.

The foreskin should be pushed back gradually. It does not seem necessary to have the baby circumcised.

This child is in splendid condition except that his leg is paralyzed. The most important thing for this boy is to have his leg treated at once by a specialist. While the baby is young is the only time that anything can be done to improve the condition.

His tonsils are somewhat large and he seems to breathe a little through his mouth. When you have the leg attended to, it would be wise to have a physician examine his tonsils.

This child is above the average height and weight for his age and is in excellent condition. His tonsils are somewhat large but will not need attention unless he has sore throat frequently or begins to sleep with his mouth open.

Mary is a nervous child. She should have many hours of sleep every day and should live in the fresh air as much as possible. She is of normal height for her age, but is somewhat underweight. An effort should be made to have her gain in weight. *Farmers' Bulletin No. 717* of the Department of Agriculture gives some useful information about food for children of this age.

Her eyes show a slight tendency to cross. If this continues, you should have an oculist prescribe treatment. Her teeth are slightly discolored and should be brushed daily. Good care of first teeth is very important.

The local committee, to whose activity the success of the conferences was largely due, helped with the arrangements, advertised the conferences, secured much local cooperation, and carried on much useful propaganda on behalf of the employment by the county of a public-health nurse. The committee for the first conference prepared a petition, copies of which were taken to the later conferences, and which were signed by nearly everyone who attended the conference, and by many other persons. It read as follows:

We, the undersigned, earnestly petition the board of county commissioners that they appoint a county nurse whose services shall be

given to the western half of — county, with — as headquarters. The legislature of 1917, by the enactment of the child-welfare law, empowered you to make this appointment. Because of the war, physicians are being called to the service of their country and large sections of the county are left without medical attention, which will render the services of a nurse more necessary than before in giving health supervision to school children, in preventing sickness among mothers and children, and protecting the health of the community from infectious diseases.

An important part of each conference was an exhibit, in which were shown and explained many devices to lighten the mother's work in caring for her children. These included simple equipment which mothers should have to bathe the baby and to prepare his food; the proper outfits and clothing for infants, the right kind of bed, and an easily made basket bed for the small baby; effective and inexpensive methods of screening the baby; iceless refrigerators in which the baby's milk could be kept; and many other devices. Instructive posters on the care of children decorated the walls. Paper and scissors were provided for mothers who wished to cut out patterns of the model baby clothes while waiting their turn for the examination. These patterns and the life-size models of the clothes were among the most popular features of the conferences. In the afternoon demonstrations of the proper way to bathe and dress a baby were given to the school children by a nurse who used a doll. At the two conferences which were held in the largest village in the area there were afternoon and evening meetings, with illustrated lectures on the care of children, on the value of the public-health nurse, and on the Children's Bureau, and also discussion.

The fact that some families drove 25 miles each way in open wagons, and that many came over 15 miles, to have their children examined showed their general interest and enthusiasm, and gave promise that the physicians' advice would be heeded. One mother, who was seen about six weeks after the conference, said that since she had followed the doctor's advice and taken the baby off condensed milk and put her on cows' milk the child had gained a pound and one-half, whereas up to the time of the conference the baby had been losing weight. This mother said that she had written to all her relations whose babies were given condensed milk, telling them what the change to cows' milk had done for her child.

Another woman reported: "Our post office is like a different place now on mail days. The mothers who come in, and even the fathers, ask one another what they are feeding their babies and whether they took the doctor's advice."

That conversation on infant feeding should begin to compete with talk about the dry weather is excellent testimony to the value of such

conferences. "Conferences like these should be held often," said one mother.

If such conferences could be held often, if a public-health nurse could follow up the cases in which medical care by a physician was needed, and help the mothers arrange for such care, if she could be available for advice at regular intervals, many of the health problems of bringing up children in this new country would be solved.

## STATE AND COUNTY ACTIVITIES ON BEHALF OF MOTHERS AND YOUNG CHILDREN IN RURAL AREAS.

In any discussion of State activities it must be remembered that Montana is a young and largely rural State which was practically uninhabited until 1860 and was admitted to the Union only in 1889. These facts increase the credit for her many progressive legislative accomplishments, a few of which affect directly the well-being of mothers and babies in rural districts as well as in cities. Her active State board of health; the fact that Montana was among the first States to create a child-welfare division in the State board of health and to encourage rural public-health nursing by a law which permits counties and rural districts to employ public-health nurses; her model birth-registration law, even though it is not yet everywhere enforced—these are among the things to be mentioned.

Unfortunately, the legislature which realizes the importance of these measures fails to appropriate enough money to make them as effective and extensive as they should be to serve the best interests of the people in all parts of the State. Thus, though Montana has excellent birth and death registration laws and a law providing a bureau of vital statistics, it has appropriated no funds to be used especially for the study of the returns of birth and death registration, for the enforcement of the registration laws, or for propaganda for improved registration. The child-welfare division has carried on some propaganda on behalf of birth registration, but its duties are so many and its staff so small that its activities in this direction have necessarily been limited.

The law which created the child-welfare division and made it possible for counties and school boards to use public money to employ public-health nurses is such an important step toward the welfare of Montana children that it deserves to be quoted in full:<sup>1</sup>

**An Act to Create a Child Welfare Division to be Under the Direct Supervision of the State Board of Health, Prescribing Its Duties and Powers and Providing for Its Maintenance.**

*Be It Enacted by the Legislative Assembly of the State of Montana:*

SECTION 1. That a Child Welfare Division be, and the same is hereby created, which shall be under the direct supervision of the State Board of Health.

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<sup>1</sup> Acts of 1917, ch. 121.

**SECTION 2.** The duties of this Division shall be to make and enforce regulations; to carry on a campaign of public health education and to take all possible steps for the better protection of the health of the children of the State.

**SECTION 3.** School Boards may employ in their discretion regularly qualified nurses, duly registered in the State of Montana, to act as school nurses. In sparsely settled communities, two or more School Boards may unite and employ a school nurse, the salary of such nurse being paid pro rata according to the assessed valuation in the school districts.

**SECTION 4.** County Commissioners are hereby authorized, at such time as they deem necessary, to employ regularly qualified nurses, to be known as County nurses, for duties under the Child Welfare Division.

**SECTION 5.** The Superintendent of Public Instruction and the Secretary of the State Board of Health, as soon as possible after the passage of this Act, shall meet and formulate rules and regulations governing the work of school, county and public health nurses, which rules and regulations, when regularly passed by the State Board of Health, shall invest the said State Board of Health with full power of supervision and regulation of said school and county and public health nurses.<sup>1</sup>

**SECTION 6.** The State Board of Health, through its Child Welfare Division, shall prepare and distribute to the school, county and public health nurses all necessary report blanks.

**SECTION 7.** The Secretary of the State Board of Health, subject to the approval of said Board, shall employ such officers as may be necessary to carry out the provisions of this Act.

**SECTION 8.** Nothing in this Act shall be construed or operate so as to interfere in any way with the exercise of the child's or parent's religious belief, as to the examinations for, or in the treatment of, diseases; provided, that quarantine regulations relating to contagious or infectious diseases are not infringed upon.

**SECTION 9.** All acts and part of Acts in conflict herewith are hereby repealed.

Approved March 3, 1917.

This law makes one stride ahead of similar laws in other States which provide for public-health nurses. It centers in the State board of health "full power of supervision and regulation of said school and county public-health nurses," an excellent provision, making it possible to standardize the work of rural public-health nursing throughout the State. Even the nurses employed by philanthropic and industrial organizations are required by the rules to notify the State board of health of their appointments.

The law was passed in March, 1917. At the end of the survey two counties had already taken advantage of it and were employing nurses. In Silver Bow County, which contains the city of Butte, the work was practically "city work"; but in Teton County—a

<sup>1</sup> See Appendix B for the rules and regulations, p. 97.

rural county with many of the same problems as the one surveyed—the nurse was doing rural work. More recently a nurse was employed in Musselshell County; and in Yellowstone County, the city of Billings and the rest of the county united to employ two public-health nurses and a full-time public-health officer.

The work in Teton County had been very recently begun, but at the time the Children's Bureau survey ended an excellent start had been made. The children of many of the rural schools had already been examined, and the nurse was hoping to visit all the schools inaccessible by railroad and examine the pupils before the winter weather set in. The county has an area of 6,566 square miles,<sup>1</sup> only a comparatively small part of which is within easy reach of the railroad and much of which is rough, mountainous country. The nurse used a small car for her work. She was planning, after completing her examination of school children, to broaden the scope of her usefulness to include instruction in home nursing, prenatal care, and many of the other usual activities of the public-health nurse.

Very recently the State (through the department of home economics at its agricultural college, at Bozeman), in cooperation with the States Relations Service of the United States Department of Agriculture, has employed eight home demonstration agents in various counties, and in one city, to bring to women the most recent findings of domestic science and home organization. Although the immediate purpose of this work is food conservation, it includes much instruction which should lighten the work of housekeeping. The agents have had to concentrate most of their work on the communities easily reached by railroads, and where women's clubs and other organizations already exist. Unfortunately a county such as the one surveyed by the Children's Bureau would be among the last to be served by these agents, since nearly all its area is inaccessible by railroad.

What is the county studied doing for the mothers and young children living in the area? Aside from the work on the roads,<sup>2</sup> which will make it easier than hitherto for some families to secure physicians, the answer is, nothing or nearly nothing.

Here, again, the factor of distance enters as a partial explanation. No part of the area studied was nearer than 65 miles from the county seat, and some parts were over 150 miles away. The people in the area go to the railroad points in other counties for their supplies, and do not even participate in their own county's fairs.

In this huge county, where means of communication are so lacking, the area studied—a region larger than the State of Connecticut—is

<sup>1</sup> County Clerk's Annual Report to the Board of County Commissioners, 1916, Teton County, Mont., p. 3.

<sup>2</sup> See discussion of Roads and Means of Communication, p. 17.

so isolated from its seat of government that the county health officer must delegate such duties as would fall to him in the area to local doctors, and the county agriculturist finds it impracticable to go into the area more than once or twice a year. Recently the size of the county has been given official recognition by the appointment of a deputy superintendent of schools, with headquarters in the western part of the county.

But size alone does not explain the official isolation of the western half of the county. In answer to questions about the various problems of the area—the road situation, the school situation, etc.—officials frequently mentioned that the western half, being so much more recently settled than the eastern half of the county, paid such a small proportion of the county taxes that the expenditure of these taxes in improvements was made accordingly. Of about \$17,000,000 worth of taxable property, a little under \$2,000,000 was located in the western half of the county. This statement surprises the casual observer, because, though the eastern half of the county is a little more thickly settled, and more plowed land and more improved farm dwellings are seen, nevertheless the country does not present any evidence of such vast difference in wealth or enterprise.

It is true that most of the homesteaders in the eastern half of the county have "proved up" and are therefore paying taxes on their land. The real explanation of the difference in assessed valuation, however, lies in the fact that one-half the land in the eastern half of the county is, or has been, railroad property, for some years ago every other section of land was granted by the United States Government to the railroad for an area extending 60 miles on each side of the track. Taxes are paid on all this land. The railroad runs through the southeastern corner of the county and the taxes paid by the railroad and on the land which still belongs or has ever belonged to the railroad are credited to the eastern half of the county. Therefore, the mere accident of the location of the railroad brings the homesteaders in the eastern half of the county greater advantages than are enjoyed by those in the western half. These advantages have expressed themselves so far chiefly in better educational opportunities, better roads, a greater proportion of the services of the county agriculturist, and practically all the services of the county health officer.

Even the eastern half of the county, however, has done very little for its mothers and babies. The county seat, a thriving city of about 4,000, is readily accessible to many, though not to the greater part of its families. In the county seat a small private hospital, with a capacity of 12 or 14, is available to those who can pay. Here, too, are several women who make a business of taking mothers in for

confinement, either renting them rooms for "light housekeeping" while they await confinement or providing both board and room. In these cases the confinements are attended by local physicians. One physician stated that he had attended about 100 cases at one of these homes, but that many of the women were realizing that the cost was almost as great as at a hospital, where they could have more comforts.

The county hospital, which is on the outskirts of the county seat, does not take maternity cases except as a matter of poor relief. Only one case was attended there between January and November, 1917.

The county health officer is employed on a part-time basis. His duties of inspecting dairies, meat markets, restaurants, etc., at the county seat consume so much of his time that he can seldom go out to the other parts of the county, nor has he time to devote to public-health propaganda. He feels very strongly that a corps of county public-health nurses are needed.



## SCHOOLS.

In the course of the inquiry into conditions surrounding mothers and young children there was, to be sure, frequent discussion of the family as a whole; and the question of schools was constantly brought up by the homesteaders, who urged the Children's Bureau agents not to ignore this important aspect of child welfare.

Although it was not the province of the Children's Bureau to make a study of the school facilities of the community, nevertheless the reiteration of the question, "Can't you help us to get schools for our children?" was so insistent that any discussion of this homesteading country would be wanting without at least a brief reference to the school situation. One learns from the report of the superintendent of public instruction that among the schools in a progressive State like Montana, "during the year ending August 31, 1916, there were eight schools in session one month and 175 schools in session for less than four months,"<sup>1</sup> and that there are thousands of children who are not provided with any kind of school.

Many neighborhoods in the area studied are confronted with serious school problems. Often parents reported that 18 or 20 children in their neighborhood had no school. In other cases the school term was very short. Even where the children had four or six months of school a year it was usually divided into two terms—one in the spring, and the other in the autumn, distances and bad weather making winter attendance impossible to many children. Nowhere was this the result of indifference or inertia.

The father of 11 children, 7 of whom ranged from 6 to 17 years of age and had no school within 6 miles, was working very hard to get one for his neighborhood. He and his neighbors were willing to give \$200 toward it and to build and equip it themselves. In many instances (the county superintendent of schools states that she knows of 20 or 30 in the area) the people in a community had contributed the land, out of their private funds bought the lumber, and with their own labor built the schoolhouse. Even then they were frequently unable to secure equipment or to get a teacher for more than one or two months.

In one case where a group of neighbors supplied a school building for their 19 children, the school district furnished only four benches and desks. "After much complaint," said one mother, "we succeeded in getting a few more benches, but some of the children still have to sit on boxes or logs. For a while there was no black-

<sup>1</sup> Fourteenth Biennial Report of the Superintendent of Public Instruction, State of Montana, 1916, p. 15.

board, but the school supervisor finally took one from a school 6 miles south that had two blackboards."

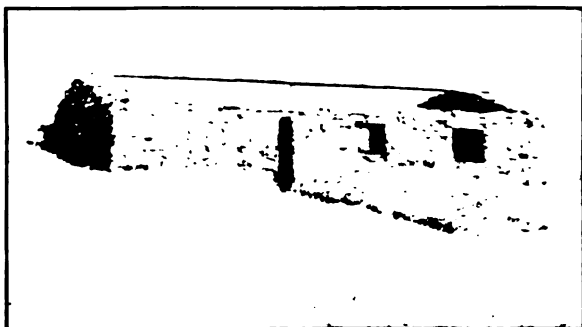
A foreign-born woman, one of the oldest settlers, told of her efforts to secure schooling for her children. In spite of much agitation, she was unable to get any kind of school until the oldest girl was 12 years old. When it was finally established it was held in a deserted cabin. Because she sent several children she was asked to attend to the heating of the building in the winter. During the coldest weather she decided to live in the schoolhouse from Mondays to Fridays, in order to keep the children warm. This was so difficult (she had some children under school age) that she finally offered, to be used as the school, one room of her two-room shack, and she and her family lived in the kitchen. At one time she and a neighbor drove 75 miles in an open wagon to a school election, on their return bringing seats, books, and other equipment for the school. Only recently has a satisfactory school been built at a reasonable distance—1½ miles from her home.

In one neighborhood the agents of the Children's Bureau found near the schoolhouse a half dozen shacks and dugouts to which families had come to live for the school term. There was also a sheep wagon in which, the agents were told, five or six children had lived the previous winter, the older children caring for the younger.

Some families who could afford it, or who had relatives living near a school, had sent their older children away for the school term. Naturally, however, many parents did not wish to let their children go away from home, especially since it was often difficult to find a satisfactory home for a child. Of course, the younger children were seldom sent away.

Several families had moved away and others were planning to leave the county because their children had no opportunity to get an education. One family that had "proved up" had succeeded with its farming venture; had raised prize corn; whose children belonged, by correspondence, to corn clubs; and which was altogether an unusually intelligent and progressive family, moved away because the only school accessible to the children had a session of only two months a year. The mother of another family said: "The hardest thing about living out here is that the children have no schooling. My three—they're 7, 11, and 12—are the only ones of school age in this school district, so there is no hope of getting a school very soon. But they must have an education, even if we have to give up the place." When the lack of educational opportunity drives such people away the country suffers a serious loss.

These typical efforts and struggles to provide schools are convincing proof that the parents in the community appreciate their children's urgent need of an education. Why, then, are not schools pro-



METHOD OF CONSTRUCTING A SOD BUILDING.



A SCHOOLHOUSE, AND CHILDREN ARRIVING.



A GOOD ARGUMENT FOR A SCHOOL. THERE IS NONE  
WITHIN REACH OF THIS FAMILY.



CAMPING FOR THE NIGHT ON THE BIG DRY. AN INCIDENT IN A 10-DAYS' TRIP, WITH A 4-WEEKS-OLD BABY.



ARRIVING AT A CHILDREN'S HEALTH CONFERENCE.

vided by public money? One would anticipate the answer, insufficient public funds; and yet the answer is not altogether lack of public funds, for the superintendent of public instruction states that the county studied had at the end of the 1916 school year—August 31, 1916—a balance of \$52,975.75, and that all this money could have been spent in providing schools, equipment, and teachers for children, and lengthening the school term. The answer, therefore, is to be found not in the lack of money for schools but in the distribution of the money. In a letter to the Children's Bureau, the Montana superintendent of public instruction remarks:

Rural-school problems in Montana are greatly complicated by the very unequal distribution of school funds. The general county levy of 4 mills and the State funds are distributed equally among all of the children of the county between the ages of 6 and 21. But the special levies which the school trustees themselves make, and which are the main source of revenue in many districts, are the cause of great inequalities in funds.

Many school districts have unsurveyed and unpatented lands, which, of course, are not subject to taxation. Many also possess only poor land assessed at a very low valuation. Others have most valuable lands, well improved, and possibly are fortunate enough to include within their boundaries 20 miles or more of railroad, a power plant, sawmills, a smelter and a mine or two.

It quite often happens that the district with the largest number of children possesses the lowest assessed valuation and that the school district valued at half a million dollars or more has within its boundaries not more than 6 or 8 children of school age. These conditions prevent Montana from ever giving equal opportunities in education to her children till her laws are amended.

In the county you studied all of the railroad in the county is to be found in the extreme eastern end. Schools there are well equipped and quite good salaries are paid. Educational opportunities of children are good. In the remainder of the county there is a constant struggle in many districts to provide even a short term of school and many communities are without school at all. Only a few extremely large districts in this section of the county have sufficient funds with which to maintain schools.

A larger unit of taxation with equal distribution to all children is badly needed. In a State where the wealth of counties varies so greatly, it seems the State would be the best unit of taxation for schools. However, the county would prove a far better unit than the small school district with very great inequalities of wealth and would greatly improve the educational opportunities of children in the State.

One is stirred with admiration for the intelligence and resourcefulness of the homesteader and at the same time confronted with the certainty that unless adequate provision for education is soon made the generation of children now growing up will be sadly inferior in education to their parents, and the country, now so full of promise, will suffer serious deterioration.



## CONCLUSIONS.

The findings of the survey emphasize the need of a program for better protection of maternity and infancy in rural districts. Adequate care for the mother before, at, and after childbirth is most essential. In the Montana area the two most signal agencies for providing such care would be accessible hospital facilities and a public-health nursing service.

## HOSPITAL PROVISIONS.

The large number of mothers who left the area for confinement; their difficulties in getting to a town in time, and the general expense of living away from home while waiting for confinement; the high cost of confinement to the mothers who were attended by physicians in the area; and the fact that most of the mothers appreciated the need of good confinement care lead one to believe that a series of small cottage hospitals—equipped especially for maternity cases, but with some provision for the treatment of accidents and other noncontagious cases—would be well patronized by the population. In addition to their use as hospitals, these cottages might serve as the health centers for a rural nursing service.

If such hospitals were provided with waiting quarters where expectant mothers could live inexpensively while waiting for confinement, they would be enabled to leave home in good season before confinement, and thus avoid the danger of being isolated by bad weather from medical care. Moreover, the last weeks of pregnancy would have the advantage of supervision as well as relief from heavy household cares.

There are in Montana, as in other States, many counties which could afford to inaugurate a system of cottage maternity hospitals and public-health nursing. On the other hand, there are counties like the one studied which, while they might have funds for one hospital, could not support a system of hospitals. In some counties it might be necessary for the State and the county to cooperate in maintaining such a service. A precedent for such cooperation of State and county is to be found in the employment of county agricultural agents, in which the United States also cooperates.

## RURAL NURSING SERVICE.

This report has frequently touched upon the need of public-health nurses. Their value in safeguarding the health of mothers and young children, as well as the health of other members of the community, would be inestimably great. This has been demonstrated in New Zealand, and, since the war, England's increasing employment of public-health visitors is recognized as the great factor in her lowered infant-mortality rate.

The area studied in Montana is so large that, to cover it adequately, several nurses would be needed. The work of the nurses might include-visiting mothers in their homes; bedside care in emergencies; holding, at the village or country schoolhouses, consultations in infant care and prenatal care; giving lectures on home care of the sick; and examining school children and following up the examination in the homes to see that children needing care receive it.

To quote from a previous bureau report:<sup>1</sup>

During the last few years it has been proved that trained nursing service is invaluable in supplementing medical supervision during pregnancy. If this is true in the city, where it is comparatively easy to consult a physician, it is still more true in the country where the distance from the physician makes it more difficult to see him regularly. A nurse who has had special training and experience in prenatal work, and who is especially equipped to discern the danger signs of pregnancy, can be of great help to the prospective mother in the country and to her physician. She will advise the mother about daily details of her care of herself so that she can avoid much discomfort and disability; she will urge her to see her physician early for a thorough preliminary examination and later when necessary; she will urge her to send samples of urine regularly to be examined, or, if asked to do so, she will make examinations of the urine and report the result to the physician. Such prenatal work may be one of the most important phases of the duty of a county public-health nurse.

In the area studied in Montana each nurse would need an automobile in order to cover her district. It is very important for the county commissioners, when appropriating money for a nurse to appropriate enough for a car and for running expenses. The commissioners in Teton County, where a nurse is employed, estimated that the car, its upkeep, and the nurse's expenses would approximate \$100 a month. The employment of each nurse—including the expenses mentioned above and a salary of \$1,200 or \$1,500—would mean an expenditure by the county of approximately \$2,500 a year. This seems a large sum of money, but the return on the expenditure in life and health and in the saving to the community of losses on account

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<sup>1</sup> Moore, Elizabeth: *Maternity and Infant Care in a Rural County in Kansas*, p. 48. U. S. Children's Bureau Publication No. 26, Rural Child-Welfare Series No. 1. Washington, 1917.





CHILDREN'S HEALTH CONFERENCE EXHIBIT HELD IN A TINY COUNTRY POST OFFICE AND STORE.



EXHIBIT IN ANOTHER VILLAGE.



READY TO BE WEIGHED AND MEASURED.



CHILDREN'S BUREAU PHYSICIAN EXAMINING BABY AT CHILDREN'S HEALTH CONFERENCE.

of sickness would more than compensate for the original outlay. The child-welfare law already quoted<sup>1</sup> permits the use of public funds for the employment either by the county or by school districts of public-health nurses.

Public-health nurses would be cordially welcomed by the women in the area. The petition prepared by the local committee for one of the children's health conferences, the many signatures which it received, as well as the general comment throughout the area, reveal the eagerness of the population for such nursing service.

One mother, commenting on the needs of the area, said: "You'll find an intelligent class of women out in this county. We have to live in poor surroundings and we have few pleasures, but we're responsive to suggestions, and always eager to watch any opportunity that makes for better conditions in our families. A public-health nurse in this community would never complain of lack of cooperation."

This comment sums up very succinctly the attitude of the community toward the need of better facilities for maternity and infant care.

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<sup>1</sup> See p. 82.



## APPENDIX A.

### TABLES USED AS BASE FOR DISCUSSION IN SECTION ON MATERNAL MORTALITY.

**TABLE I.**—*Death rates from diseases caused by pregnancy and confinement per 1,000 live births, in specified foreign countries for 1910.\**

Country.	Death rates from diseases caused by pregnancy and confinement per 1,000 live births.	Country.	Death rates from diseases caused by pregnancy and confinement per 1,000 live births.
Italy.....	2.4	France.....	4.6
Sweden.....	2.5	Switzerland.....	4.8
Norway.....	2.7	Australia.....	5.1
Prussia.....	3.2	Ireland.....	5.3
Hungary.....	3.4	Spain.....	5.3
Japan.....	3.6	Belgium.....	5.5
England and Wales.....	3.6	Scotland.....	5.7
New Zealand.....	4.5		

\* Excerpt from Table XV, Maternal Mortality, U. S. Children's Bureau Publication No. 19.

**TABLE II.**<sup>a</sup>—*Average death rates per 100,000 population in certain countries from diseases caused by pregnancy and confinement, 1900 to 1910.*

Country.	Death rates per 100,000 population from diseases caused by pregnancy and confinement.	Country.	Death rates per 100,000 population from diseases caused by pregnancy and confinement.
Sweden <sup>b</sup> .....	6.0	Hungary.....	13.3
Norway.....	8.1	Japan <sup>b</sup> .....	13.3
Italy.....	8.9	Australia.....	14.1
France <sup>c</sup> .....	10.3	Belgium <sup>d</sup> .....	14.8
Prussia <sup>e</sup> .....	10.4	Scotland <sup>b</sup> .....	14.8
England and Wales.....	11.1	United States <sup>f</sup> .....	14.9
New Zealand.....	12.4	Switzerland.....	15.2
Ireland <sup>g</sup> .....	12.9	Spain <sup>b</sup> .....	19.6

<sup>a</sup> Meigs, Dr. Grace L.: Maternal Mortality from All Conditions Connected with Childbirth in the United States and Certain Other Countries, Extract from Table XII, p. 56. U. S. Children's Bureau Publication No. 19, Miscellaneous Series No. 6. Washington, 1917.

<sup>b</sup> Rates based on figures for 1901 to 1910.

<sup>c</sup> Rates based on figures for 1906 to 1910.

<sup>d</sup> Rates based on figures for 1903 to 1910.

<sup>e</sup> Rates based on figures for 1902 to 1910.

<sup>f</sup> Rates based on figures for 1907 to 1910.

<sup>g</sup> Rates based on figures for death-registration area which increased from year to year; in 1900 it comprised 62.5 per cent of the total population of the United States and in 1910, 58.3 per cent.

## 96 MATERNITY CARE AND THE WELFARE OF YOUNG CHILDREN.

TABLE III.—*Death rates per 100,000 estimated female population<sup>a</sup> aged 15 to 44 years from diseases of pregnancy and confinement, for the State of Montana and for certain foreign countries, 1910 to 1915.*<sup>b</sup>

	Years.	Rates.		Years.	Rates.
Montana.....	1910	78.9	Ireland.....	1910	55.60
	1911	95.9		1911	52.45
	1912	89.1		1912	56.05
	1913	92.0		1913	53.81
	1914	111.4		1914	50.67
	1915	98.4			
Belgium.....	1910	56.03	Norway.....	1910	31.96
	1911	59.05			
	1912	63.79	Prussia.....	1910	43.17
England and Wales.....	1910	35.74	Scotland.....	1910	62.24
	a 1911	35.74		1911	60.99
	a 1912	36.54		1912	58.92
	a 1913	35.74		1913	62.24
	a 1914	37.75		1914	65.14
France.....	1910	39.64	Sweden.....	1910	29.30
				1911	29.76
Hungary.....	1910	55.25	Switzerland.....	1910	51.50
	1911	53.43		1911	57.08
Italy.....	1910	36.82		1912	54.07
	1911	34.09			
	1912	35.45			
	1913	35.91			

<sup>a</sup> Female population aged 15 to 44 calculated from the estimated total population for each year on the assumption that the percentage of the total population that is included in this sex and age group is equal in each year specified to the per cent included in this group at the date of the census around 1910. For Montana see note, Table IV.

<sup>b</sup> Or for the years during this time for which figures were available.

TABLE IV.—*Death rates per 100,000 estimated female population aged 15 to 44 years from diseases of pregnancy and confinement for the death-registration States, 1910 to 1915.*

Registration States.	1910	1911	1912	1913	1914	1915
California.....	51.7	57.1	57.5	61.9	56.4	54.4
Colorado.....	80.5	74.4	56.9	67.1	52.7	61.1
Connecticut.....	53.5	45.8	61.4	49.0	59.2	60.5
District of Columbia.....	72.7	58.3	48.3	62.4	55.6	47.1
Indiana.....	70.8	75.3	70.2	64.5	70.1	62.1
Kansas.....					52.5	55.3
Kentucky.....		76.4	67.2	69.2	65.2	60.4
Maine.....	66.3	59.9	45.2	50.9	51.1	64.2
Maryland.....	59.9	56.7	67.0	72.6	58.0	59.0
Massachusetts.....	47.1	57.4	50.4	55.5	61.2	56.2
Michigan.....	73.0	76.2	63.6	85.4	77.0	77.4
Minnesota.....	52.4	62.6	55.3	64.6	56.4	56.2
Missouri.....		70.7	67.7	71.8	67.0	59.5
Montana.....	78.9	95.9	89.1	98.0	111.4	98.4
New Hampshire.....	52.5	59.4	66.1	58.9	68.5	60.3
New Jersey.....	61.9	64.5	60.7	64.6	58.8	57.8
New York.....	58.8	58.4	52.5	54.3	56.5	54.5
Ohio.....	63.2	61.7	60.8	58.1	66.0	57.8
Pennsylvania.....	78.8	69.7	66.1	73.9	73.8	70.4
Rhode Island.....	58.9	62.6	55.1	49.8	53.0	59.7
Utah.....	84.3	71.5	72.0	71.4	55.3	81.1
Vermont.....	78.2	62.6	62.4	69.8	89.8	60.5
Virginia.....				83.3	98.4	93.9
Washington.....	76.1	65.9	63.3	60.0	48.9	48.1
Wisconsin.....	80.4	56.9	46.3	50.6	52.3	56.2

<sup>a</sup> The deaths are found in the volumes on Mortality Statistics of the U. S. Bureau of the Census. Estimates of total population, based upon an assumed constant annual increase, equal to that from 1900 to 1910, are given in Bulletin 133 of the Census Bureau. The female population aged 15 to 44 years has been computed on the assumption that the per cent of the total population in this sex and age class is the same in each year shown as in 1910 on the date of the census.

These rates are subject to error both in the estimate of population and in the assumed per cent in the special age and sex group. The latter may partly or wholly offset, or may be in addition to, the former. The later the date of the estimate after 1910 the more subject it is to error.

## APPENDIX B.

### RULES AND REGULATIONS GOVERNING COUNTY, PUBLIC-HEALTH, AND SCHOOL NURSES IN MONTANA.<sup>1</sup>

#### RULES GOVERNING COUNTY AND PUBLIC-HEALTH NURSES.

1. Public-Health nurses employed by city or county, philanthropic or industrial organizations shall be registered nurses of Montana: and on receiving appointment to such positions shall notify the State Board of Health of said appointment giving full name and address.

2. Those employed by towns or cities shall make home to home visits, giving actual bedside care, when necessary, and giving instruction in simple nursing service, hygiene and sanitation.

(Calls must not exceed an hour in duration, unless absolutely necessary. However, in the observance of this rule the nurse is allowed discretionary power.)

3. The nurse responds to every call but is not allowed to continue on a case unless a doctor is in attendance; except in cases of chronic patients, when the nurse follows original instructions of doctor.

4. In their work for doctors, nurses are required to adhere to the etiquette of their profession and are not allowed to prescribe in any case.

(However, when out of communication with doctors, emergencies must be met.)

5. The nurse must feel her responsibility in the sanitary conditions of the city, and report violations to the proper authorities. She must teach everywhere the relation between disease and insanitation.

6. The nurse should learn the agencies of her community and co-operate with proper authorities to improve the living conditions of her people. In cases of poverty, unemployment, overwork, bad housing, underfeeding, and such conditions, she can assist by cooperating with church, charity, and fraternal organizations.

7. Neglected and ill-treated children should be reported to the nearest deputy of Child and Animal Protection Bureau.

8. In outbreaks of contagious disease, (a) the nurse makes house to house investigations, to find early and missed cases.

(b) The nurse inspects and reports observance of quarantine. She instructs as to what constitute quarantine, proper disinfection of bed linen and clothing, of human excreta, and in good, general nursing care.

(c) The nurse must wear cap and gown and would suggest that she also wear rubber gloves to handle patient. She should use proper disinfection of nasal passages and mouth after calls.

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<sup>1</sup> Montana State Board of Health, Special Bulletin No. 7 (Apr. 10, 1917), pp. 9-11.

(d) The nurse is deputy of local health officer and makes her daily reports to local Board of Health and monthly reports to State Board of Health on blanks furnished by the Child Welfare Division.

9. County nurses may at the discretion of the County Commissioners be required to perform the duties of the school nurse in one or more of the school districts of the county.

10. In order to secure uniformity of reports, the standard visiting nurse record cards should be used by all city or county nurses.

#### REGULATIONS GOVERNING THE WORK OF SCHOOL NURSES.

Reg. 1. As soon as a school nurse is appointed by any district, she must notify in writing the Director of the Child Welfare Division of the State Board of Health of her name and address.

Reg. 2. The school nurse shall be under the direct supervision of the Superintendent of school or schools where she is employed, and shall furnish the Superintendent with such reports as he or she may direct.

Reg. 3. It shall be the duty of the school nurse to make an examination of the children in the school or schools where she is employed and to notify the parents or guardians of the children of the physical defects and diseases from which the children appear to be suffering, and she shall call upon such parents or guardians and explain to them the nature of the defects or diseases from which the children appear to be suffering and in a tactful way advise that their family physician be consulted. The nurse must be careful not to advise the services of any one physician to the exclusion of the other physicians.

Reg. 4. Quarantine Regulations. For infectious or contagious diseases, see General Quarantine Regulations No. 39.

Reg. 5. On notification by the Superintendent or teachers of the absence from school of any child without a known cause, the school nurse, shall, as soon as possible, visit the home of such child, and if the child is found sick and gives symptoms of having a contagious disease, the nurse shall immediately notify the local health officer.

Reg. 6. The school nurse shall notify the local Board of Health of any grossly insanitary condition in the community which she may find, and failing to have such condition remedied by the local authorities, she shall notify the State Board of Health.

Reg. 7. The school nurse shall make a monthly report to the Child Welfare Division of the State Board of Health on blanks furnished by that division.





**Industrial Series:**

- No. 1. Child-Labor Legislation in the United States, by Helen L. Sumner and Ella A. Merritt. 1131 pp. and 2 charts. 1915. Bureau publication No. 10. Bureau supply of complete volume exhausted, but reprints can be obtained as follows:

Child-Labor Legislation in the United States: Separate No. 1. Analytical tables. 475 pp. and 2 charts.

Child-Labor Legislation in the United States: Separates Nos. 2 to 54. Text of laws for each State separately.

Child-Labor Legislation in the United States: Separate No. 55. Text of Federal Child-Labor Law. 1916.

**No. 2. Administration of Child-Labor Laws:**

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Part 2. Employment-Certificate System, New York, by Helen L. Sumner and Ethel E. Hanks. 164 pp. and 3 charts. 1917. Bureau publication No. 17.

Part 3. Employment-Certificate System, Maryland, by Francis Henry Bird and Ella Arvilla Merritt. 127 pp. and 2 charts. 1919. Bureau publication No. 41.

**No. 3. List of References on Child Labor.** 161 pp. 1916. Bureau publication No. 18.

**No. 4. Child Labor in Warring Countries: A brief review of foreign reports,** by Anna Rochester. 75 pp. 1917. Bureau publication No. 27.

**Rural Child-Welfare Series:**

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**No. 2. Rural Children in Selected Counties of North Carolina,** by Frances Sage Bradley, M. D., and Margaretta A. Williamson. 118 pp. and 16 pp. illus. 1918. Bureau publication No. 33.

**No. 3. Maternity Care and the Welfare of Young Children in a Homesteading County in Montana,** by Viola I. Paradise. 98 pp. and 16 pp. illus. 1919. Bureau publication No. 34.

**No. 4. Maternity and Infant Care in Two Rural Counties in Wisconsin,** by Florence Brown Sherbon and Elizabeth Moore. — pp. and — pp. illus. 1919. Bureau publication No. 45. (In press.)

**Legal Series:**

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**No. 2. Illegitimacy Laws of the United States,** by Ernst Freund. — pp. 1919. Bureau publication No. 42. (In press.)

**Miscellaneous Series:**

**No. 1. The Children's Bureau: A circular containing the text of the law establishing the bureau and a brief outline of the plans for immediate work.** 5 pp. 1912. Bureau publication No. 1. (Out of print.)

**No. 2. Birth Registration: An aid in protecting the lives and rights of children.** 20 pp. 3d ed. 1914. Bureau publication No. 2.

**No. 3. Handbook of Federal Statistics of Children: Number of children in the United States, with their sex, age, race, nativity, parentage, and geographic distribution.** 106 pp. 2d ed. 1914. Bureau publication No. 5.

**No. 4. Child-Welfare Exhibits: Types and preparation,** by Anna Louise Strong. 58 pp. and 15 pp. illus. 1915. Bureau publication No. 14.

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**No. 7. Summary of Child-Welfare Laws Passed in 1916.** 74 pp. 1917. Bureau publication No. 21.

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- No. 12. An Outline for a Birth-Registration Test. 13 pp. 1919. Bureau publication No. 54.

**Children's Year Leaflets:**

- No. 1. Children's Year, April 6, 1918, to April 6, 1919, prepared in collaboration with the Department of Child Welfare of the Woman's Committee, Council of National Defense. 8 pp. 1918. Bureau publication No. 86.
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  - Part 1. Suggestions to Local Committees. 8 pp. 1918. Bureau publication No. 88.
  - Part 2. Suggestions to Examiners. 4 pp. 1918. Bureau publication No. 88.
  - Part 3. Follow-up Work. 7 pp. 1918. Bureau publication No. 88.
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- No. 4. Patriotic Play Week. Suggestions to Local Committees. 8 pp. 1918. Bureau publication No. 44.
- No. 5. Children's Health Centers. 7 pp. 1918. Bureau publication No. 45.
- No. 6. The Public-Health Nurse: How she helps to keep the babies well. 7 pp. 1918. Bureau publication No. 47.
- No. 7. Back-to-School Drive, prepared in collaboration with the Child Conservation Section of the Field Division, Council of National Defense. 8 pp. 1918. Bureau publication No. 49.
- No. 8. Suggestions to Local Committees for the Back-to-School Drive, prepared in collaboration with the Child Conservation Section of the Field Division, Council of National Defense. 8 pp. 1918. Bureau publication No. 50.
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- No. 12. The Employment-Certificate System: A safeguard for the working child, prepared in collaboration with the Child Conservation Section of the Field Division, Council of National Defense. 12 pp. 1919. Bureau publication No. 56.

**Child Labor Division Series:**

- Circular No. 1. August 14, 1917. Rules and Regulations for Carrying Out the Provisions of the United States Child-Labor Act. (The circular includes the text of this act.) 10 pp. 1917.
- Circular No. 2. June 30, 1918. Decision of the United States Supreme Court as to the Constitutionality of the Federal Child-Labor Law of September 1, 1916. 16 pp. 1918.

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U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, CHIEF



# MILK

THE INDISPENSABLE FOOD FOR CHILDREN

BY

DOROTHY REED MENDENHALL, M. D.

Q

CARE OF CHILDREN SERIES No. 4

Bureau Publication No. 35



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the same time, the fact that the same person can be both a subject and an object of a relation is not a contradiction.

For example, a person can be both a subject and an object of a relation of self-love.

Similarly, a person can be both a subject and an object of a relation of self-hatred.

Thus, the fact that a person can be both a subject and an object of a relation is not a contradiction.

Therefore, the fact that a person can be both a subject and an object of a relation is not a contradiction.

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# MILK

## THE INDISPENSABLE FOOD FOR CHILDREN.

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### INTRODUCTION.

Our Nation, with the majority of all civilized nations, finds itself plunged into a world war. As the atmosphere clears, after the first tremendous endeavor to create armies and to feed and equip our own soldiers as well as the population of our allies, thinking people are asking themselves how our home population is to maintain its health and the standards of living which have cost us so much effort to achieve. How will war affect the health and welfare of our children? What can we learn from the experience of European countries, already at war over three years, in regard to the influence on child life of the changes and privations inevitably produced by the war? What dangers and disasters may we avert if we take immediate precautions to prevent war conditions from affecting our child population in the adverse ways so plainly shown in Europe?<sup>①②</sup>

The necessity of our Nation's feeding an ever-increasing number must be granted; also, that this food can be obtained in only two ways—by increased production or by decreased use of food in this country. The saving of food in this latter way may be brought about partly by persuading individuals to eat less and to choose certain types of food which can not be exported, and partly by eliminating waste. It is probably safe to assert that curtailing the total amount of his daily diet will be beneficial for the average adult. More than this, we are willing to agree that substitution of one type of food for another of the same type can be safely carried out by the average healthy American adult to-day if the substitution is intelligently planned.

On the other hand, the average child in America can not have its usual amount of food safely curtailed, nor is it wise during childhood to attempt, except in the case of cereals, to exchange or substitute the important articles of food. The results of underfeeding or indiscriminate food substitution in childhood are startlingly shown abroad as a result of the war, and are beginning to be evident in our own great cities.

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<sup>1</sup> The circled figures used throughout refer to corresponding figures in the list of references found on pp. 30 to 31.

Above all, the public must understand that milk is an essential food, not only for infants but for children of all ages, for pregnant and nursing mothers, and for the sick and wounded.<sup>③</sup> Milk has no substitute in the diet of the child.<sup>④</sup> <sup>⑤</sup> "The regular use of milk is the greatest single factor of safety in the human diet." Hitherto our national health has depended largely on our use of dairy products, for milk and its products have formed at least one-fifth of our national food. To obtain this proportion of dairy products for the American diet we have in the past had to import large quantities, especially of cheese. Now such imports have entirely ceased.

Of European countries, Great Britain, Germany, Austria-Hungary, and Belgium were formerly large importers of butter and cheese. Such commodities were obtained largely from Scandinavia, Denmark, and Russia;<sup>⑥</sup> but England and Belgium can no longer get this necessary food from Europe. Therefore the United States, which hitherto has not produced enough for her own consumption and has only exported relatively small quantities of dairy products, is called upon to supply these countries as well as France, Italy, and our other allies. Our export trade in 1917 in butter is estimated to have increased 8 times, in condensed milk 16 times, and in cheese 26 times over that of 1913,<sup>1</sup> and our total export trade in these three articles reaches now the equivalent of nearly 2,000,000,000 pounds of milk (over 908,000,000 quarts) annually.<sup>⑦</sup>

### EFFECT OF WAR ON THE PRODUCTION AND CONSUMPTION OF MILK.

In Europe the milch cow has been sacrificed because of the necessity for meat or the inability to obtain fodder, since large areas of cultivated, fertile land have been laid waste or abandoned and farm labor has been drafted into the army. The United States must supply our allies' lack in dairy products. The number of milch cows in the United States must be increased or the entire world will face the calamity of a shortage in milk, the essential food for the child. We do not realize, as Mr. Hoover points out, "the critical importance of maintenance of our domestic animals in a period of food shortage. We can not even raise our own young without them."<sup>⑧</sup>

The need of the conservation and increase of dairy herds is shown in the fact that the increase of population in this country has not

<sup>1</sup>Exports of butter, cheese, and milk from the United States:

	Butter.	Cheese.	Condensed milk.
	<i>Pounds.</i>	<i>Pounds.</i>	<i>Pounds.</i>
1913 .....	3,585,600	2,509,068	16,525,918
1917 .....	26,835,092	66,087,213	259,102,213



been accompanied by a relative increase in the number of milch cows. To-day the United States produces only about a quart<sup>1</sup> of milk per capita per day. Moreover, the per capita milk production has not increased since 1900 and will undoubtedly fall rapidly unless immediate steps are taken to conserve and augment the number of dairy cows in the United States. There seems to be a difference of opinion as to whether our dairy cows have already begun to be sacrificed owing to changes in the price of fodder and the fluctuations in the demand for dairy products caused by increases in the price of milk. That such a decrease in the number of cows will ultimately result unless radical steps are taken to save the dairy industry seems certain. As feed has increased recently 100 to 200 per cent in price in this country, while the price of milk has advanced only 20 per cent, how can the production of milk be a paying business proposition to the farmer who has to buy feed? As the United States Department of Agriculture and the United States Food Administration point out, it is a most short-sighted policy to permit the decline of the number of milch cows in the country, for it is obvious that "it will be easier to recover wheat acreage than the lost herds." We should, moreover, as a war measure, take immediate steps to increase the dairy cattle in the United States and to develop herds in those sections of our country now without dairy interests, in order that milk products may be available to all our people.

Butter, cheese, and condensed milk, because of their ease of transportation and their high nutritive value relative to their bulk, are the forms of milk that must be shipped abroad. The form that should be used in this country, as will be brought out later, is whole milk for the use of children and skim milk for household cooking and commercial purposes. Roughly speaking, two-fifths or more of all milk produced in this country goes into butter production and two-fifths is used as milk. We may, then, estimate that per capita, if we produce only a quart of milk, we use to-day less than 0.8 pint of this quart as milk, and that this proportion is steadily falling.

It is indeed possible that in the near future the United States may have to take the same steps that have been taken in England and in Italy, regulating the sale of cream or even curtailing the use of butter, in order that our child population may receive the more adequate and economical nourishment offered by whole milk. We may also profitably study the way the Germans have controlled the milk situation. Germany protected the nutrition of her children under 6

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<sup>1</sup> U. S. Department of Agriculture gives: @ 105 gallons per capita annual production of milk in the United States; 1.15 quarts per capita daily production in the United States. Assuming 40 per cent of milk produced is used as milk, 0.9 pint will be the average daily consumption of milk in the United States.

U. S. Food Administration gives: @ 70 gallons per capita annual production of milk in the United States; 0.82 quart per capita daily production of milk in the United States. Assuming 40 per cent of milk produced is used as milk, 0.65 pint will be average daily consumption of milk.

years of age by fixing the price of milk early in the war, and by insuring the use of milk for nursing mothers, weaned infants, young children, and the sick. The adult civilian population in Germany has been practically deprived of milk, as the army's need is filled next, and the total milk supply has fallen to 60 per cent of the production previous to the war.⑩ ⑥

Even before our Nation entered the war there had been a wide increase in the prices of our most important foods, as well as an actual deficiency in certain foodstuffs. There seems also good evidence that the nutrition of our children had begun to suffer a corresponding deterioration.

In the autumn of 1917 the price of milk was advanced throughout the country about 2 cents a quart to the consumer, and must advance again unless the cost of distribution can be controlled or diminished. As a direct result of the advance in the price of milk, in our large cities less milk has been taken by the average family, especially by the family with a small income. Because less milk was bought, less milk was brought into the cities, and, as a result, demoralization of the dairy industry is threatened. Farmers will not produce market milk at a price below cost or if there is any doubt of their being able to dispose of their product.

In New York City, according to the report of the mayor's milk committee, the total supply of milk for the city is stated to have been reduced 25 per cent and the consumption of milk in certain sections of the city—the tenement region—to have decreased 50 per cent. Both of these changes were attributed to the increased price of milk this autumn.

A survey was made including all the boroughs of New York City during the second week of October, 1917, under the joint auspices of the department of health, the New York Association for Improving the Condition of the Poor, and the mayor's committee on milk.① Information was obtained from 2,200 families each containing two children under 6 years of age. The striking feature of this report is the proof that in certain sections of the city the quantity of milk used by infants and children had been reduced, due to the increased cost of milk, below the minimum necessary for the maintenance of health.

The information collected in this survey was as follows:

The 2,200 families visited represented 12,439 individuals, of which 4,467 were adults, 2,534 were children from 6 to 13 years old, 5,438 were children under 6 years.

The total amount of milk purchased by these families at the present time is 3,193 quarts daily; a year ago it was 4,797 quarts daily. This represents a decrease of 1,604 quarts. This decrease, to be sure, is slightly offset by an increased consumption of condensed milk, according to the survey, of 141 tins daily.

It is well to compare these figures with the following estimated amounts which physiologists and pediatricists regard as the normal milk requirement \* \* \* 8,194 quarts: 121 families were getting more milk than they did a year ago, 599 families

were getting the same amount, 1,480 families were getting less milk, and of these 120 families were getting no milk; 420 families were getting more condensed milk.

Of the 120 families which had dropped milk altogether, 73 substituted canned condensed milk, 969 of the 1,480 were getting from 25 to 50 per cent less milk, and 1,213 of the 1,480 families were substituting tea and coffee for milk.

In the 2,200 families visited, 982 had babies less than 1 year of age. Of these 582 received less milk than in 1916, 316 received the same amount, 79 received more milk than in 1916, and 25 had dropped milk entirely.

Of 807 families 268 had changed from grade A to grade B milk, 67 had changed from grade B to grade C milk, and 474 had changed from bottled to dipped milk; 2,148 children under 6 years of age were drinking tea and coffee.

A similar state of affairs is threatening to develop throughout the country, and it is time for the Nation to realize what will result from a decreased use of milk by our children. It is the duty now of every individual community to see that its children have milk of good quality and in sufficient amount to assure their normal development. To do this the price of milk must be controlled or fixed, and the milk supply to infants and children carefully safeguarded. The malnutrition of our children was, even before 1914, a serious national problem and one demanding urgent attention. Poverty and ignorance of dietary essentials have been ever-present factors in the malnutrition of the young, and war conditions can not fail to increase the gravity of the situation and the difficulties of maintaining the health of the Nation.

### THE NATURE OF MILK AS A FOOD.

Milk is often stated to be a perfect food. By this we mean that it contains all the essential elements for normal human growth and development.

The adequacy of a food or diet depends briefly on its containing:②

1. Enough of the right sort of material to build up and repair the living tissues of the body. These body-building substances in the food are called proteins, and are found especially in milk, meat, fish, eggs, and in certain vegetables, especially beans and peas.

2. Enough substances to furnish the required energy of the body. Fats, starches, and sugars are the chief energy foods, and are transformed in the body into energy for work and into body heat.

3. A variety of mineral substances, which are needed in the growth and functioning of the parts of the body, such as the skeleton, the brain, the blood, etc.

4. An adequate amount of certain substances whose nature is not yet fully known but whose presence in the diet has been demonstrated to affect body growth in animals or man. These substances, known as vitamins, growth determinants, or the unknown dietary factors, are therefore essential elements in our food.

5. No substance poisonous to the average individual nor one which will not allow of normal digestive processes.

In addition, to be properly digested and of the utmost nutritive value, articles of diet must also be of pleasing taste, palatable, and preferably of a consistency and appearance similar to the foods in customary use by the race.

Clean milk fulfills all of these requirements for an adequate food better than any other single foodstuff.

Milk is, then, in a sense, a complete food; if used as the sole food it will sustain life and allow growth. It is used as an exclusive diet for young children, but after infancy supplementary foods need to be included in the diet for the best development. For one reason, milk—which, in respect to all its ingredients, ranks among the most digestible of animal foods—is so completely digested that there is practically no waste. Though this complete digestibility renders milk one of the most efficient foodstuffs, a certain amount of non-digestible material in the food—so-called roughage—is necessary to regulate the discharges from the digestive tract. For this reason, and for several others, a mixed diet after the first year of life is better than an exclusive milk diet.

Milk has in the curd a protein of a more valuable nature in regard to its ability for building or renewing body tissues than that found in vegetables or even in meat. There is no other animal protein procurable at so low a price. <sup>(13)</sup> <sup>(14)</sup>

Milk as a source of energy, or as fuel for the body, compares most favorably with other foods. The energy value of a quart of milk is about equivalent to that of a pound of lean meat or to eight eggs. As a source of energy cereals are, however, far cheaper than either milk, meat, or eggs; and, therefore, cereal and milk is the ideal combination of foods to furnish body energy in childhood.

Calcium salts (lime), supplied in our food, are necessary not only for bone formation but for the development of the important organs of the body, especially the glands of internal secretion.

Of all foodstuffs milk is the cheapest and most abundant source of calcium and milk also provides other important mineral salts, such as potassium and phosphorus. Therefore, since growth is measured by bone formation, and since the child must have a steady abundant supply of these essential minerals, milk should be included in every child's diet.

*Relative amount of calcium oxide. (Blunt.)* <sup>(15)</sup>

In 1 cup milk.....		.38 gms.	Scale of 100.
In $\frac{1}{2}$ cup carrots.....	.11		
In 1 egg.....	.05		
In 2 slices of bread..	.01		

Unfortunately cows' milk is low in iron content, even as compared with human milk, and this important mineral must be supplied in other foods. The prolonged exclusive use of milk after early infancy tends to produce an anemia from lack of iron in the blood. Iron can best be introduced into the diet through the early use of fruit, vegetables, and whole cereals.

The abundance, character, and digestibility of its proteins and its large mineral content make milk, as we have shown, a most desirable food; but, after all, the most valuable properties of milk lie in its containing an abundance of the unknown dietary factors—the vitamins which control growth and health. One such substance is found chiefly in milk fat and the organic fat of certain other animals, but is not present in vegetable oils or in pork fat. Eggs and green vegetables, such as spinach and chard, do contain appreciable amounts of this vitamin, but milk is our chief source. The cream of a quart of milk contains as much of this vital substance as is found in all the skim milk left after the cream is removed. A second recognized vitamin is present in all foods consumed in their natural state and in sufficient abundance to maintain health. In the manufacturing of purified foodstuffs, such as the polishing of rice or in the milling of flour, (a) (b) this substance may be lost, and a diet made up entirely of denatured foods may cause disease or even death, due to a deficiency in this essential substance.

A food like milk which, given in moderate amounts, combines enough of *both* of these vitamins to allow of normal growth and development, has a value in the human dietary greater than that of any other single food.

It is true that appetite in many cases has to be considered, and an exclusive diet of any single food substance becomes distasteful to the large majority of us and tends to lower digestive processes and to cause impaired nutrition. However, this does not mean that the child should be allowed to refuse milk as a substantial part of his daily diet, if the diet includes, as it should, several other forms of food. All normal children are better for at least  $1\frac{1}{2}$  pints of milk a day. Poverty, of course, may prevent this amount being provided for every child, but, if her means permit, the mother who does not furnish sufficient milk for her children and train them to drink it is not fulfilling her duty. Healthy children can be made to like a varied diet, to eat what is good for them, and to finish the entire meal provided. Patience, persistence, and tact are needed to teach proper food habits to the young, and, to be effective, this discipline must be maintained from birth.

Milk may be given to the child in cooked form, as soup, weak cocoa, or flavored milk shake. (c) If used as a drink, it should be taken

toward the last of the meal, for many children will not take sufficient other food if they fill themselves up first with milk.

Children who have too rich or too abundant a diet may seem to do better with less or even without any milk, but here the fault is not primarily the quantity of milk but the total amount of food. On the other hand, an exclusive milk diet after the first year is ultimately harmful, and milk should not be included in the diet of the child to such an extent as to prevent the taking of an ordinary amount and variety of food. Many children can take and thrive on a quart or more of milk a day. Very rarely a child has an idiosyncrasy for milk protein and is made violently ill by milk.

### WHAT KINDS OF MILK CAN BE USED FOR INFANTS.

Among the lower animals the young are not as a rule born until near the period when they can dispense with maternal nourishment and forage for themselves. It is important to keep in mind the fact that the human infant was evidently intended to be dependent on the mother's nourishment for at least the first year of life, as the infant does not develop teeth nor acquire the power of taking other than liquid food for many months after birth.

Any infant that has to be artificially fed during the first months of life is then in a sense a premature child, as it has been deprived of maternal feeding long before the normal period of separation from its mother. The giving of any other food than human milk to a young infant is, therefore, introducing a foreign substance into its partially developed digestive system, the dangers of which vary with the individual as well as with the composition of the artificial food selected and are still little appreciated.

### BREAST MILK: THE BEST FOOD FOR BABIES.

For these reasons breast milk—the natural food for the human young—is the best food under any circumstances for the young infant. There is nothing “just as good” as mother's milk. The fact that the milk of a particular woman may not agree with her child or that it may be inadequate does not alter the truth of the general proposition: *Breast milk is best for babies.* Never before in the history of civilization has it been so urgent a matter that every child should have breast milk for as long a time as possible, in order that every child that survives birth may have the best chance for life and health. Never before have so many nations had to count on replacing the man-power lost in war by the infants born to these nations. To-day the survival of great races depends on the conservation of child life.

Also, never before has there been greater stringency of foodstuffs in the entire world, or greater urgency for economy in every American home. Whatever the present percentage of artificial feeding among our young infants, and it is sometimes estimated that one-fifth of all infants under 1 year of age are weaned before the fourth month of life,<sup>1</sup> two things may be positively stated. The first is that taking the infants who survive the accidents and perils of birth, undoubtedly those infants who are artificially fed die during the first year of life in a far greater proportion than those breast fed for at least the first six months; and the second point is that, judging by the work done in our large cities in the past few years, the number of children breast fed and the length of period of breast feeding can be greatly increased by careful supervision of the mother before and after the birth of the child.

Breast feeding during war time is a high patriotic duty as it is a sure method of reducing infant mortality and of conserving the national food supply. Breast feeding is better for the child, better for the mother, and incidentally better for the family pocketbook.

If other nations have already made a patriotic appeal to mothers to share their breast milk with children other than their own, surely the American mother will help win the war by nursing her own child for as long a period as it can thrive on her milk and by lengthening this period by every effort in her power.

#### ARTIFICIAL FEEDING OF YOUNG CHILDREN.

The only foods that we have that were intended as the exclusive food of young animals are milk and eggs. If we except the germ of seed all other substances suitable for their nourishment are taken from partially or fully grown animal or vegetable structures. For this reason we should expect milk, eggs, and the germ of seed to contain the vital elements for the maintenance of young life, and all experiments go to prove that they do.

Unfortunately, egg and seed do not lend themselves to the early or exclusive feeding of the human infant. To be sure, infants in Japan are occasionally fed even from birth on a soy-bean mixture, but considering the difficulties and dangers of such substitution, and judging by the high infant death rate in Japan, it seems superfluous to argue for any other principal form of artificial food for the infant than some form of milk, when this can be obtained.

#### COWS' MILK: THE BEST SUBSTITUTE FOR BREAST MILK.

Although cows' milk, as compared with milk from other domesticated animals, such as the goat, is not in some respects nearest in

<sup>1</sup> In the nine cities in which infant mortality studies have been made by the Children's Bureau, it was found that of the 21,962 infants who lived to be 3 months of age, 4,457 or 20.3 per cent had been weaned.

composition to human milk, the development of the dairy cow has brought about its almost exclusive use in this country as a substitute food for infants.

The fact can not be challenged that for children under 2, other than those breast fed, cows' milk is an absolute necessity if disease and death are to be kept within bounds and if the coming generation is to survive and is to sustain the national standards. Milk for the use of our allies and our soldiers in the field must be supplied, but it is equally necessary that the young children of the United States should be furnished with a supply of cows' milk, sufficient to form their chief source of food and adequate to produce in them normal growth and development. Production must be increased, and the price of milk and use of dairy products by the adult home population controlled, if necessary, to assure our children this indispensable food. "Children first" must be part of the national food slogan.

Cows' milk having been accepted as necessary during the early years of life the question next to be settled is what form of cows' milk—raw, pasteurized, sterilized, partly evaporated, or dried—is the safest, and the best adapted to the nourishment of our children, and which type of milk is best suited to transportation and available in all localities.

In general, we must grant that cows' milk to be a safe food for anyone must be clean and free from the germs of disease. In regard to an infant's food these points are even more important than in the question of food for older children or adults.

Cows' milk should not only be pure but the fresher it is and the fewer manipulations it has been subjected to, the less possibility there is of its having been altered in any of its essential properties as a complete food. Our knowledge of the fundamental nutritive qualities of milk is still incomplete, so that we can not absolutely affirm that heat, chemicals, or mechanical manipulation do not in some essential way alter its nature as a food.

For these reasons fresh, clean, raw cows' milk is the ideal form of artificial food and therefore the most desirable for the human infant. The modification of cows' milk to adapt it to the needs and digestive ability of the average child is covered in another bulletin of the Children's Bureau, Infant Care, and will not be discussed here.

#### PASTEURIZED MILK.

Even though pure cows' milk is the milk of choice for infants, it is not always possible to obtain raw milk in a state suitable to be fed to a young infant. Milk fit to be used raw must be produced under conditions which insure rigid, scientific inspection of the dairy, the cow, and the care given to the milk, and which also allow of the



milk being used in a relatively short time after it is produced. In our large cities—where milk has to be furnished to thousands of infants, where it has to be supplied from a large number of small and large dairies so that adequate inspection is difficult, and where it must be transported long distances and kept for a long time—ordinary raw milk is not a safe food for infants.<sup>1</sup> Safe raw milk can be obtained in our large cities, but only at a price prohibitive except to families with incomes far above the average.

The question of pasteurization must, therefore, be briefly considered.Ⓢ In *pasteurizing milk* it is generally heated to 145° F. and held at this temperature 30 minutes. This process when done by the best commercial methods, destroys 99 per cent of the bacteria (germs) present in milk and considerably delays its souring. However, the important result of pasteurization is that, *if properly done*, it effectually kills any disease germs likely to be present, such as the germs of tuberculosis, diphtheria, or typhoid fever. For this reason, to render milk a safe food for the infant population, pasteurization is carried out to some extent in the majority of our cities of 10,000 inhabitants or over and 50 per cent or more of the milk that is used in seven of our largest cities is pasteurized.

Pasteurized milk is not sterile, and it will not keep unless quickly chilled and kept chilled until used; and it should be used within 36 hours after being pasteurized. Stale pasteurized milk may be more dangerous than stale raw milk, because putrefaction, if started, will progress more rapidly in milk which has been pasteurized.

#### STERILIZED MILK.

The further question of *sterilization* of milk raises another point. Milk boiled, or heated to 212° F., is often spoken of as sterilized milk. Milk is not sterile, that is, free from all forms of living organisms, unless it is subjected to this high temperature for an hour or more, and on successive days. Boiling for five minutes does kill all ordinary bacteria and does render milk for all intents and purposes a sterile food. Boiling, however, changes the chemical and physical properties of milk quite appreciably, which is not true, at least to any marked degree, in the case of pasteurization. The curd of boiled milk is distinctly more digestible, though more constipating, than the curd of either raw or pasteurized milk, since the curd of

<sup>1</sup> The requirements of a pure milk vary greatly in different localities. In New York City a grade A milk (raw) must have come from a tuberculin-tested herd in good physical condition and from a dairy scoring at least 25 points on equipment and 50 points on methods; its bacterial content must not exceed 60,000 per cubic centimeter, and it must be delivered in labeled bottles 36 hours after production. A grade A milk (pasteurized) must have come from healthy cows examined annually and from dairies scoring at least 25 points on equipment and 43 on method; its bacterial content must not exceed 30,000 per cubic centimeter, and no milk supply averaging more than 200,000 bacteria per cubic centimeter shall be pasteurized to be sold under this designation; it must be delivered in labeled bottles within 36 hours of pasteurization. In so-called "certified" milk the requirements are even more stringent than for grade A milk. The greater part of the milk consumed in this country is below grade A requirements.

milk which has been subjected to such a high temperature forms a fine, easily broken down clot in the stomach.② This modification of the casein or curd of cows' milk to render it more like the curd of mother's milk and therefore more digestible can be brought about, however, in several ways other than by boiling.

The possibility of the change or loss of some of the essential nutritive properties of milk by the effects of high temperatures has been much discussed and very generally disagreed upon, especially the effect of heat on the mineral matter and on the undetermined factors which induce growth—the vitamins.② ③ ④ Boiled milk, however, has been used very extensively in Europe for the feeding of young infants and with apparently great success.

#### CANNED MILK.

To-day, in large areas of our country there are no milch cows. In other large areas, including some of our big cities, it is becoming increasingly difficult to obtain a good grade of bottled milk, raw or pasteurized, at a price thought possible by the average parent. The dangers and delays in transportation, the difficulties of distributing milk rapidly and in an iced condition, the expense of this rapid transportation, distribution, and refrigeration are such that the question of canned milk for infant feeding is forced on our attention. Milk in a condition allowing of safe transportation for long distances, is at the present crisis a necessity. The problems arising from war conditions, especially our duty to assist our allies in feeding their child population, the necessity of our maintaining an adequate food supply for our own soldiers in cantonment at home or abroad, and the possibility in the near future of having to supplement the food of our men in prison camps in Germany if their starvation is to be averted⑤—all these are additional circumstances which force us to consider the varieties and relative merits of different forms of canned milk.

As regards infant feeding, there are four kinds of canned milk now available:

Certain proprietary or patent foods.

Condensed milk (sweetened).

Evaporated milk (unsweetened condensed milk).

Dry milk or milk powder.

The relative merits of each of these will be briefly discussed.

#### CERTAIN PROPRIETARY OR PATENT FOODS.

Proprietary or patent foods, so called, are of two types. We may divide them into class A, those having milk—usually in the form of dry milk—as one of their ingredients, and class B, those having no milk in their composition.⑥

The latter class of proprietary foods consists largely of combinations of sugar and starch, which are of no greater efficiency in an infant's diet or for the nourishment of older children and invalids than certain flours, cereals, and sugar purchasable in bulk and at a much lower price in any grocery store. Patent foods of this type should be used only in combination with cows' milk, and they are not a complete food without this milk. As modifiers of milk, or additional foods to be used with milk, they are an unnecessarily expensive product.

Proprietary foods of class A embrace those forms of patent food containing milk in their combination. They may or may not be a sufficiently complete food for an infant, but they all have the disadvantage of being considerably more expensive than is necessary for an adequate infant food. The foodstuffs present in any proprietary food can be purchased more reasonably uncombined and these ingredients can be combined more judiciously for each infant separately than when given out under a trade name for the whole infant public. Infants have been reared successfully on patent foods, but many infants have been unnecessarily sacrificed to the hit-or-miss principle of prescribing one combination of foodstuffs to meet the need of all children.

#### CONDENSED MILK (SWEETENED).

What is commonly known as condensed milk is a sweetened milk. Evaporated milk is an unsweetened condensed milk. Commercially, condensed milk is usually made by adding to fresh milk large quantities of cane sugar, heating the milk to dissolve the sugar, and then evaporating the whole, until its bulk is two-fifths that of fresh milk or less, and its sugar content is about 40 per cent by weight. Sweetened condensed, sweetened evaporated, or sweetened concentrated whole milk under our food and drug regulations must be the product of evaporation of whole, fresh, clean cows' milk and must contain at least 8 per cent fat and not less than 28 per cent total milk solids.⑥ The product is heated to a considerable temperature for a short period to dissolve the sugar, but it is not sterilized in the canning.⑦ The high percentage of sugar, however, tends to preserve it. Since the heat used in the entire process is only from 180° to 200° F., and is applied for a brief time, the more resistant forms of germs may persist in such milk, though they do not grow or increase in a properly canned product.

Condensed milk is a semifluid substance of a very sweet flavor, and is put on the markets in varying sized and priced cans. The high sugar content of this milk practically prevents its freezing in transportation, so that it has been the chief form of canned milk shipped up to this time. If made properly it will keep well until opened, but it is

best when fresh. Once opened this form of milk tends to spoil and should be taken from the tin, kept iced, and used within a very few days.

This product was the first form of canned milk put on the market. The early French inventions along this line, dating back over a hundred years, are said to have been called forth by Napoleon's efforts to obtain a milk that could be transported for the use of his armies. It is interesting to note here that canning milk first became a successful business enterprise because of the urgency in this country of feeding the soldiers of the North in the Civil War.<sup>20</sup> Milk was demanded that would keep under transportation and still be of a bulk to make transportation possible. The condensed milk business received a tremendous impetus at this time.

During the present war, the demand for canned milk has again become insistent, and its production, especially for export trade, has been greatly stimulated. The use of canned milk will undoubtedly become widespread, both in this country and in the countries of Europe, and it is most essential that the best forms of these products shall be generally used, especially the canned milk which is best adapted for nourishment of infants and young children, and for use as a food for convalescents.

Sweetened condensed milk has been used in the feeding of infants for several generations and has been also of considerable use in the general nourishment of the household. As an infant food it has the drawback of an enormously high sugar content. With a 40 per cent proportion of sugar (sucrose), condensed milk must be so diluted for the average infant that the percentage of the other ingredients of the original milk is brought below the proportion best adapted to growth and development, if we take woman's milk as the standard. If the sugar content is left high by diluting the milk less, frequent bad results from the intake of too much sugar or from sugar indigestion occur. Children who apparently thrive on condensed milk—that is, who can stand a high sugar food—are not found as a rule to have a good muscular development; though often fat, they are flabby and pale and do not show the average resistance to disease. Animal experimentations also go to prove the relative inadequacy of condensed milk as food for the young.<sup>21</sup> Condensed milk is not sterile and so may possibly contain disease germs. It spoils if left open to the air, or if not kept iced, and must be used up quickly after being opened. These are additional reasons why condensed milk is not a safe food for infants in the hands of an average mother, without medical supervision. For occasional use, or for use as a food in certain emergencies under the skilled direction of a competent physician, condensed milk has served a useful purpose.

It is, however, certainly not the form of canned milk to choose for the adequate nourishment of children or adults where fresh milk can not be obtained and transportation of food products from too great distances must be considered. We should also recognize that condensed milk has the disadvantage of a high water content even after evaporation, and is unnecessarily bulky for shipping.

EVAPORATED MILK (UNSWEETENED CONDENSED MILK).

Commercially, this product is made by taking fresh milk, adding nothing to it, evaporating it down to one-half or two-fifths the original bulk, placing it in cans, and then sterilizing the contents by subjecting the cans to steam under pressure. The temperature must be "high enough and maintained long enough to insure absolute sterility to the product and to give the milk sufficient body to prevent the separation of the butter fat in subsequent transportation and storage."②

It is a difficult matter in the process of condensing or evaporating milk to have a product of a uniformly good quality and composition, or to be able to detect such faults. Any form of condensed milk will usually give unmistakable evidence if it has spoiled before opening, and hence there is little danger of putrid canned milk being used. There are, however, two real dangers in the use of any condensed milk. One lies in the fact that the quality of milk used in canning is frequently not the best; also in the case of sweetened condensed milk, an unsterile product, the possibility of disease germs surviving in poorly processed milks must be considered. The second danger is the fact that once opened condensed milk or evaporated milk is easily contaminated, deteriorates rapidly, and so becomes unfit for use as an infant food.

Evaporated milk has the consistency, taste, and appearance of thin cream. If properly made it is a sterile product and will keep unopened indefinitely, but it is stated to be "best when fresh."

The regulations governing evaporated milk under the pure food and drug laws are those governing all condensed whole milks, but it must contain not less than 25.5 per cent of total solids, and 7.8 per cent of milk fat.② The relative proportion of the original ingredients of milk—the so-called "milk solids"—is about the same in the analyses given of sweetened condensed and evaporated (unsweetened condensed) milk. The sweetened condensed milk differs not only in the high content of cane sugar but has as a rule each of the milk solids in a slightly higher proportion probably due to a greater degree of condensation than is usual in evaporated milk.

*Average composition (Hunziker). (27)*

	Condensed (sweetened).	Evaporated (unsweetened condensed).
Water.....	28.5	73.0
Milk solids { fat.....	9.0	8.8
protein.....	8.5	7.5
milk sugar.....	13.8	9.7
ash.....	1.8	1.5
Cane sugar.....	40.9	....
	100.0	100.0

Evaporated milk, if used when the can is first opened, is a safe food, because it is free of all germ life. It resembles in this point boiled milk, and like it, is superior in point of sterility and also in digestibility to pasteurized or raw milk, since the digestibility of both the fat and casein is probably increased by the exposure of the milk to high temperature in processing.

The butter-fat, milk-sugar, and mineral content is not appreciably altered in quantity by condensation, but the minerals are rendered less soluble by the process of sterilization. In the process of condensation some of the protein or curd is lost from the mechanical adhesion of the curd to the heated surfaces. The effect of the change in solubility of the minerals present has not been found to cause any appreciable difference to the child. From the feeding experiments recently conducted on animals, it does not seem probable that either of the vitamins, so far determined, is injured by high temperature. By diluting with equal parts of sterile water, evaporated milk can be reconstituted approximately as ordinary milk.

Evaporated milk has been and can be of great use in the general nutrition of the household, and it certainly has a more tenable place in the feeding of infants and young children, when fresh milk can not be obtained, than condensed milk. We must recognize the facts that it will freeze, and is therefore not suitable for transportation in cold weather; that it must be carefully handled after opening if it is to remain a sterile food and one fit to give an infant; and that even though condensed to one-half to two-fifths of its original bulk, it is still bulky to transport. Also all condensed milk is relatively high in price as compared with a grade A raw milk. Condensed milk is now retailing at 25 cents and evaporated milk at 15 cents a pound, and since both these milks are reduced one-half or more in bulk, these prices are about the price of 1 quart of reconstituted milk. All these reasons make evaporated milk far from the ideal substitute for fresh milk.

## DRY MILK OR MILK POWDER.

The dry-milk industry began as a means of saving the skim milk, the by-product in the manufacture of butter and cream. On many farms to-day great quantities of skim milk are still wasted or uneconomically used in the feeding of animals. The movement to utilize this product in making more skim-milk powder or in the making of skim-milk cheese is an enterprise that should meet with the cooperation and assistance of all interested in the proper nourishment of our population.

Milk powder is now made in over 30 factories in this country<sup>1</sup> and by at least four essentially different processes.<sup>1</sup> Skim-milk powder was the first type produced in this country and is still the principal form on the market. It has a wide wholesale demand for use in bakeries and in the manufacture of ice cream and milk chocolate. The retail sale of any milk powder has never been great, and the use of skim-milk powder in family cooking has never received the attention which this valuable form of protein food deserves.

Milk is now also dried as whole milk, as milk with one-half the fat removed (half-skim milk), and as buttermilk, while the different constituents of the milk itself—the butter fat, casein, whey, or milk sugar—are separated by certain dry-milk concerns and put on the market as powders.

Under the food and drug regulations dried milk must be “the product resulting from the removal of water from milk, and contain not less than 26 per cent milk fat and not more than 5 per cent of moisture.”<sup>26</sup>

The essential point here as in every canned-milk product is that the original milk shall be of a high quality. No good canned milk can be produced from stale or impure milk.

After the question of the quality of milk used is settled, the important thing apparently in all processes now used in preparing milk

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<sup>1</sup> The principal processes by which dried milk is made to-day are briefly as follows:

A. Milk is fed in a thin stream over two steam-heated cylinders or drums, about one-eighth of an inch apart and revolving in opposite directions. The milk exposed to the heat of the cylinders dries as a thin film and comes off the revolving cylinder as a sheet, which is easily crushed into a fine powder. The cylinders, which are some 60 inches long and 24 inches in diameter, are charged with steam under two or three atmospheres of pressure causing the heating surfaces to have a temperature of about 250° to 280° F. This process, known as the Just patent in the United States and as the Just-Hatmaker patent in England, is said to be the invention of J. R. Hatmaker, of London.

B. The milk is first pasteurized and then condensed in the vacuum pan at a low temperature (130° F.) to about one-fourth of its bulk. This condensed product is forced under high pressure through minute openings in a metal disk into a hot-air chamber. The atomized liquid surrounded by a current of hot air instantly dries and falls to the bottom of the chamber as a snowy powder, the moisture rising as a cloud of steam. The mixture of the liquid and air in the evaporating chamber is stated to be about 180° F. This method was originally developed in France and is called there and in England the Bevenot de Neveu process. In this country it is known as the Merrell-Gere process.

C. A third method of making dried milk, by reducing it to approximate dryness in a vacuum pan equipped with a mechanical stirrer, is also used in this country. It has the advantage of exposing the milk to a low though prolonged temperature.

powder is the degree of heat, and the period of heating of the milk in the process of drying. The processes differ very materially in these points, and it is difficult to tell exactly whether the properties of milk are more apt to be changed by being held at a low temperature (approximately 145° F. in process C) for hours, or at a high temperature (approximately 175° F. in process B or 275° F. in process A) for a very short time. Theoretically milk should suffer greater change the higher the temperature to which it is subjected, so that milk put out by processes in which a temperature not over 180° F. is used ought to be preferable. Such dry milk has the property of being completely soluble and of reconstituting in cold water, which is a tangible advantage.

In the early days of manufacturing milk powder, before the freshness of the milk was insisted on, some form of alkali was commonly added in the process of drying to neutralize the acidity of the milk, as well as to render the casein more soluble. Cane sugar or malt sugar was also frequently added.

By the perfection of the different steps used in the process, and especially by control of the temperature employed, milk powder to-day can be made of milk or any of its constituents without the addition of any foreign substance and yet be completely soluble in water. In the best preparations of dry whole or half-skim milk the constituents are also little, if any, altered from their natural state in fresh milk. The butter fat retains the globular form and readily emulsifies when mixed with water, the actual size of the fat globules are apparently reduced by the drying process, the albumen is not coagulated, and the casein is not toughened in drying and is still miscible in water. From recent animal experimentation it seems positive that the growth-promoting property of fresh milk is not appreciably diminished in milk powder made by the best methods. Whether or not dry whole milk is a complete food or whether, like sterilized and pasteurized milk, when fed alone to infants it may occasionally produce some degree of scurvy can not be definitely stated. In France and England, where it has been most used as an infant food, ⊙ no evidence is offered to show that scurvy follows its long or exclusive use.

Fermentation or bacterial decomposition of milk powder can not occur, as bacterial action does not take place in a substance with a moisture content under 5 per cent or 3 per cent as it is in the best milk powder.

All products containing milk fat keep better when placed in the cold and not exposed to light or air. One great drawback to the production of dry whole or half-skim milk has been the fact that the powder made by the old methods quickly became rancid. The



manufacture of dry milk has been so improved that even dry whole milk is now put up in a form by the best processes that will keep unopened for at least a year and for many months even when opened without the detection of any rancid or "tallow" flavor, which is the first sign of deterioration. Nevertheless, the production of dry milk should be carefully regulated to meet the demand, and all canned milk should be dated to insure its use as food within a reasonable period.

Dry milk is put up in tin receptacles of different sizes, the price per pound varying with the manufacturer and the nature and character of the milk dried. Dry skim milk in bulk at wholesale sells as low as 24 cents a pound and dry whole milk at 42 cents a pound, which gives a whole milk, when it is properly reconstituted, at about 11 cents a quart. (January, 1918, prices.) The best brands of milk powder put out specially for infant use, however, retail at a price which is equivalent to milk from 12 to 20 cents a quart.

In infant feeding, milk powder has been of late years widely used by physicians in Belgium, France, and England, and with apparently great success, as far as can be judged by reported normal gains in weight and other evidences of good nutrition in children fed exclusively on this form of milk. Physicians in our large cities and in Germany have also recently been experimenting in the use of dry milk for infant feeding.

The good points about dry milk may be briefly stated as follows: (1) Increased digestibility, (2) bacterial purity, (3) keeping qualities—no ice needed, (4) convenience—always ready, (5) palatability, (6) cheapness—no waste, (7) transportation advantages—small bulk, does not freeze. Against dry milk it can be said that it is a canned product, a food subjected to high temperatures in the process of manufacture, and that there is no guaranty of the quality and cleanliness of the original milk.

Apparently, if we can judge by the experience abroad, dry milk from which half the cream approximately has been removed before drying, so-called "half-skim" dry milk, has distinct advantages in the feeding of very young infants. Possibly this is due to the fact that in the dilution of this milk a mixture relatively high in protein and sugar and relatively low in fat is obtained without the addition of extra sugar or casein, and such a mixture has a high enough nutritive value to produce normal growth. In older infants—those over 6 months of age—dry whole-milk mixtures are advocated and would seem theoretically advantageous, since at this age the child needs and can digest more fat, and the relatively low sugar of whole milk can be supplemented by cereals or by sugar, as is usually done with older infants fed cows' milk.

The following table of the relative composition of dried (1) whole milk, (2) half-skim milk, and (3) skim milk, is taken from Pritchard.®

	Average percentage composition.				Caloric value per ounce.
	Casein.	Albumen.	Sugar.	Fat.	
1. Full-cream milk ...	24.50	1.94	38.92	28.00	146 cal.
2. Half-cream milk...	30.58	2.42	39.70	15.10	119 cal.
3. Separated milk....	31.40	2.49	55.00	1.00	104 cal.

The composition of whole dried milk has been specially studied by a number of authorities, and all agree that the milk solids are increased about eight times that of the original milk. Therefore to reconstitute an average milk with a fat between 3 and 4 per cent one part of milk powder should be taken to eight or eight and a half parts of water.

*Composition of whole dry milk. ®*

Fat.....	approximately..	25 to 28 per cent.
Protein.....		Practically same as fat.
Sugar.....		34 to 40 per cent.
Ash.....		6 to 7 per cent.
Water.....		5 to 7 per cent.

An interesting report on the analyses of specimens of dry milk from different countries has been made by Sommerville,® who gives as the mean analysis:

Fat.....	28.5
Sugar.....	36.8
Protein.....	24.3
Salts.....	5.6
Water.....	4.8

The fact that the powder form of dry milk makes it possible to give it in as concentrated a form as desired—that is, with any quantity of water—makes dry milk a particularly useful form of food in cases of certain types of vomiting in infancy or wherever small amounts of fluid of high nutritive value are required.

The desirability of milk powder—the most concentrated form of milk—for use in traveling or for transportation to places where fresh milk is not available is self-evident. The French picturesquely characterize dry milk as “la vache en placard,” “the cow in the cupboard.” There are also certain occasions where for the sake of economy, even when fresh milk is available, dry milk seems to have a legitimate use to-day. Such a situation might occur when only one bottle feeding a day has to be given to an infant whose parents’ means are limited.

For dispensary, hospital, or day-nursery use milk powder is distinctly more economical than any other form of cows’ milk, for

the cost of all equipment, including kitchen outfit, ice, refrigerating plant, and the large number of bottles is eliminated, as well as much of the service needed to prepare and dispense milk preparations. The use of dry milk, as directed by a physician, needs only the equipment and intelligence to boil water and measure in tablespoons.

The only ether canned milk which stands any comparison with a good milk powder for infant use is evaporated milk. This product, however, has been sterilized at high temperatures for a long period, which may or may not affect the essential properties. Good dry milk can be made without pasteurization, though pasteurization is part of one of the best processes, and in the two processes most used the actual drying by the exposure of the milk to a high temperature, either around 175° F. where the milk has been previously pasteurized or around 275° F. where the milk has not been pasteurized, is practically instantaneous. Apparently this short high temperature exposure does not injure the essential nature of the vitamins as far as the present evidence goes.

Experience has taught the specialist concerned with the feeding of infants that a certain proportion of infants fed exclusively on boiled milk and water, or condensed milk and water, or on certain patent foods with or without the addition of sugar will develop more or less pronounced signs of scurvy. Recent investigation has made it seem probable that some infants whose sole food is pasteurized milk, sugar, and water, without the addition of fruit juice or vegetable water, will finally cease to grow, and may show also symptoms of scurvy of a more or less definite character.<sup>(1)</sup> It is possible, therefore, that any milk, other than fresh raw milk, when used alone, may prove an inadequate or injurious food for infants and may not allow of normal growth either in weight or length. Such milk used exclusively will produce in a certain proportion of infants more or less distinct symptoms of scurvy, due either to the loss in heating of some undefined substance—probably not a vitamin<sup>(2)</sup>—or due to infection by bacteria or their products, the result of the milk's being stale when used.<sup>(3)</sup> Therefore, whenever an infant is fed a canned or sterilized or even a pasteurized milk, fruit or vegetable juice should be begun early until we know exactly in what particulars these milks differ from fresh, clean, raw milk.

Up to this time, in the United States, little attention has been paid by the dry-milk manufacturers to putting out a product suitable for the use of infants and at the same time cheap enough to attract general notice. As yet very little milk of the best quality and produced under the most hygienic circumstances is dried. Much of the dry milk on the market is made from milk of an inferior quality and still contains bicarbonate of soda or some other alkali used to neutralize it, and the price of grade A dry milk on the market is considerably

higher than the highest price asked for fresh grade A milk. Whole-milk powder or half-skim-milk powder made of grade A milk to which no addition of any foreign substance has been made should be available on the retail market to-day at a price equal to the cost of production plus a reasonable percentage of profit to the manufacturer and retailer. At the present prices of milk wholesale a grade A milk powder could probably be put out, if the retailing could be controlled, at a price allowing it to be reconstituted at 12 cents a quart.

There is a distinct need for the production of milk powder to-day. By this means more milk suitable for the use of young infants can be put on the market, and the children in Europe and in the distant parts of the United States can be adequately nourished, since good milk can be transported around the globe.

Dry skim milk, dry casein, and dry whey are forms of dry milk especially adapted for the use of the sick child, and are foods already well known to the medical profession under special trade names, which of course mean a high-priced product. The separate constituents of milk bring a lower price than dry whole milk, and they could be available for hospital use, or, in the case of skim milk, for use in household cooking if their properties and legitimate retail prices were known.

### **WHAT KINDS OF MILK CAN BE USED FOR THE OLDER CHILD AND FOR COOKING.**

When it comes to the question of the nourishment of the child over 2 years of age, we can state two things absolutely: First, milk is an indispensable food for the growing child, essential for its proper growth and development, and, second, clean fresh milk is the best form of milk for the use of children of all ages. The reasons for these statements have already been discussed in the previous section and need not be reenumerated.

If good raw milk or pasteurized milk can not be obtained, moderately fresh canned milk—either evaporated or dried—may be used instead of fresh milk, under certain conditions.

Every growing child is better and more cheaply nourished if it is given clean whole milk, either as a drink or in the cooked food making up the daily diet. A pint and a half of whole milk daily is the safe amount thought desirable to nourish the young child (from 18 months to 12 years of age) when the rest of the diet is balanced.

If canned milk is used instead of fresh milk, the quality of the milk used in canning should be good, and the amount of milk given must be the equivalent of at least a pint and a half of whole fresh milk. There is a great danger that mothers unaccustomed to the use of canned milk may not properly apportion the amount of milk to be

given to the child and for this reason allow either too little or more than is necessary or judicious for daily use. If skimmed milk is used instead of whole-milk powder, milk fat, which contains one of the essential factors necessary to produce normal growth in children, should be added to the diet in the form of butter or cream.

We should learn to distinguish between the property of butter due to the vitamine content and its property, common to all fats, of furnishing energy when consumed in the body. As far as its use as body fuel is concerned, butter is the equivalent of any edible animal or vegetable oil. Considering it in relation to its vitamine content no other fat is probably the equivalent of milk fat.☉☉ Pork fat and vegetable oils have, as far as is now known, little or no growth-producing power.☉ Beef fat, however, does contain this essential vitamine, and margarine made from beef fat, especially margarine in the manufacture of which skim milk is used, has apparently about the same growth-producing power as butter.☉ If we include sufficient whole milk (1½ pints) in the child's daily food, beef-fat margarine may be safely given instead of butter and for reasons of economy this may be a wise procedure. Lard, vegetable oil, and nut margarines are not substitutes for butter or for beef-fat margarine, as they are only fuel fats and not fats plus substances which determine body growth.☉ Milk, butter, eggs, and beef drippings have been and are the chief source of the important vitamine found especially in animal fats. All of these foodstuffs are now exceedingly high in price and there is great danger that in the families of the poor where formerly beef drippings and even suet pudding☉ have been the chief source of animal fat, vegetable oil or nut margarines—which are not equivalent either to beef fat or to butter—may be substituted as the only table fat in the diet of the growing child.

The experience abroad, in the case of wounded men during the present war, has pointed out another important attribute of milk. The presence of milk fat in the diet apparently promotes not only body growth but body repair, as seen in the healing of wounds, according to many references in the war literature. The urgency of a supply of milk and butter for hospital use and for our men in prison camps is then also apparent.

Skim milk has a legitimate use for the nutrition of children, if we look upon this substance simply as a form of protein, that is, a food similar to lean meat. It does not in any way take the place of whole milk for the child, because it lacks the essential fat. No more valuable or cheaper form of protein—body-building food—exists than skim milk and, to a large extent, skim milk can be substituted for meat in the child's dietary. Pound for pound, skim-milk cheese (cottage cheese) is about equivalent to beef.

In household cooking also skim milk can be made to take the place of whole milk and can be safely substituted for whole milk in preparing certain dishes, if, as has already been said, the amount of animal fat—other than lard—used in the dietary is carefully watched and not allowed to decrease markedly.

Ordinary cheese is a whole-milk product containing both fat and protein and is of great value in the dietary of adults and older children. Little children can not be given much whole-milk cheese, as it is somewhat difficult to digest. Skim-milk cheese contains, of course, no fat. It has the same food value as skim milk and is not indigestible.

### SUMMARY.

Milk is, then, the indispensable food for children, and whole milk in some form must be furnished them, if the nutrition of the average child is to be maintained and if normal growth in height and weight is to be assured.

Previous to the present war the United States did not produce all the dairy products used in this country, and now, with the cessation of practically all importation of these foodstuffs, we are called upon to export large quantities of milk, butter, and cheese to feed our allies and our soldiers in Europe.

The sharp rise in the price of milk, a rise due to the increased cost of production, has resulted, in our large cities, in a diminished use of milk, and has greatly disturbed the regular supply of milk for city trade. One way in which the price of milk can be controlled is by reducing the cost of distribution or at least preventing its increase. Fluctuations in the demand for milk, or diminished use of milk throughout the country, will inevitably result in a lessened production and a decrease of the dairy business.

The destruction of the milch cow, the loss of our herds at this critical period, would be a calamity of far-reaching consequences and one from which the Nation would slowly recover. The herds of the Nation should be carefully augmented and the milk production per capita actually increased, since in peace times the United States produced no more and even less milk than that required for the maintenance of the health of its people. The exporting of milk must decrease the available supply for home consumption, even if the production per capita is not allowed to diminish.

The nourishment of our children is the first duty of the Nation. Every child from 18 months to 12 years of age is better for having  $1\frac{1}{2}$  pints of milk in its daily diet. Since milk and milk products are a vital necessity for children, for nursing mothers, and for the sick and wounded, the public should be made to realize that the children's need for dairy products should be assured. If necessary,

the use of milk, cream, or butter for adult consumption must be restricted.

The curtailing of food by the adult population is not a serious matter and may even be beneficial. The average child to-day does not have enough of the right sort of food and can not have its food cut down nor the important articles of its diet replaced by questionable substitutes without grave danger of increasing malnutrition in our child population.

Clean, fresh cows' milk is the best available form of milk for children after they are weaned. Pasteurized milk, sterilized milk, or canned milk may be substituted for it when clean fresh cows' milk can not be obtained.

The transportation of food to Europe and to distant parts of our own country, where the dairy business has not been developed, makes the production of a good quality of pure canned milk necessary. Evaporated milk (unsweetened condensed) and dry milk are the best available forms of canned milk for the use of children. Dry milk (milk powder), if its quality can be assured, appears to be the most desirable form of milk for distant transportation, for the use of young children, or for general household use where fresh or pasteurized milk is not obtainable. Every effort must be made to furnish some form of clean whole milk for the use of our child population, in order that war conditions may not have the adverse effect on them so plainly visible in the countries of Europe.

Lowered nutrition in children means decreased vitality and lowered resistance to disease. If the nutrition of our children is impaired for any length of time, full juvenile development will be permanently arrested. Nor is the physical stunting of the race the only evil that serious undernourishment of our child population entails. Intellectual and moral abnormality are largely influenced by physical health, and a period of malnutrition among the children of America may easily be followed by a period of intellectual and moral deterioration.

Victory in arms will be settled in this war by the stamina of our fighting men. Ultimate victory can come only to the Nation that carefully conserves the stamina of its children, upon whom depends the future of the race.

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## United States Government.

U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU  
WASHINGTON

**STUDIES OF USE OF MILK BY FAMILIES HAVING LITTLE CHILDREN.****II. WASHINGTON.**

The babies and little children of Washington are not having enough milk to drink. All normal children are better for at least three cups of milk daily; but figures compiled by the Children's Bureau of the United States Department of Labor, from material gathered by the public-health nurses of Washington, show that, out of 482 children between 2 and 7 years of age, more than half are receiving no fresh milk to drink at all. This proportion (52.7 per cent of the total) is higher by 13 points than the proportion of children in the same group (39.6 per cent) who drank no fresh milk last year. The increase may be due, in part at least, to the advance in the price of milk, and it may be partly accounted for by the fact that the mothers of some of those children who have reached their second birthday since last year have not considered it necessary to continue to provide milk for them, though they did so as long as the children were under 2.

Though many mothers do not realize the importance of milk in the diet of the growing child, most of them know that the babies under 2 should have it. Of the 271 babies under 2 in the families studied, only 7.2 per cent of those who are not breast fed are drinking no milk at all, and two-thirds of the 90 babies who are drinking some fresh milk are receiving three cups a day. One hundred and seventy-four of the babies are nursed by their mothers, but more than 61.4 per cent of these mothers are not drinking any milk, and only 7.6 per cent of them are drinking at least the three cups a day that physicians think necessary for nursing mothers.

The lack of fresh milk in a child's diet is liable to have serious consequences. Not only is he deprived of the best of all foods for normal growth and development, but often he receives injurious substitutes in its stead. In many families where the children receive no milk, tea and coffee are used to take its place. In the Washington families studied it was found that about 27.6 per cent of the 261 children and babies who receive no fresh milk to drink are getting some milk in combination with other foods; that 43.3 per cent are receiving the regular family diet, which may or may not include tea and coffee, or milk in other foods; but that 29.1 per cent are regularly drinking tea and coffee as substitutes for milk.

Two hundred and seventy-two families, averaging about six members each, were covered by the survey. All these families have at least two children under 8, all but 9.6 per cent have children under 2, and 67.3 per cent have children under 1 year of age. While only 19 of these families, as compared with 23 in 1917, are receiving no fresh milk at all, the figures show that, as a whole, families are buying less milk this year than last. The total consumption for

1918 was 283.9 quarts, as against 308.3 quarts in 1917. While the average daily decrease from last year's figures for families using some fresh milk is only 9.7 per cent, it must be remembered that the average amount of milk used last year (1.12 quarts daily per family of six) was far below the quantity recommended.

These figures seem more significant when it is considered that 753, or over 46 per cent, of the total number of individuals in all the families studied are under 8 years of age. Of the 94 families who decreased the amount of milk purchased, over 88 per cent have children under 2 years of age. Though, on the other hand, 78 families, 94.9 per cent of whom have children less than 2 years of age, are buying more milk, 100 families are buying the same amount as last year, and in 70 out of these 100 families there is a baby under 1 year of age. This suggests that the milk formerly received by the older children has been diverted to the use of the baby.

The decrease in the amount of fresh milk bought by all families has been accompanied by an increase of 24 per cent in the amount of canned milk purchased. While canned milk takes the place of fresh milk to some extent, it is by no means as desirable a food for young babies.

The size of the family income seems to be an important factor in determining the quantity of fresh milk used. The poorest families show the greatest decrease in the amount purchased. Of 210 families with average weekly incomes of \$20 and less, 24.8 per cent have increased their milk purchase since last year, 38 per cent have decreased, and 37 per cent have made no change; while of the families with incomes of more than \$20, 42.9 per cent are buying more milk than last year, 25.7 per cent less, and 31.4 per cent the same quantity. Though the number of families receiving free milk has more than doubled this year (1917, 4; 1918, 9), it remains very small.

The findings for Washington gain added meaning when it is considered that the families studied perhaps use more milk than others of the same economic status. Since 66.2 per cent of the 272 families covered by the survey were being visited by the Diet Kitchen Infant Welfare nurses and the remaining 33.8 per cent were on the list of the Instructive Visiting Nurse Association, it may be assumed that all the mothers had been instructed in the importance of milk and would make sacrifices to keep it in their children's diet. The high percentage of young babies who are receiving milk is doubtless due to the influence of the nurses, and is evidence of the value of the educational work that can be done by the infant welfare nurse. Very serious, however, is the lack of milk for children over 2. There is grave cause for concern in the fact that, among the families studied, the children between 2 and 7 who last year were getting less than half (45.1 per cent) the milk they should have are receiving this year only one-fourth the desirable allowance, while fully one-third the babies under 2 are receiving an amount insufficient for proper nourishment.

*Children and adults in families studied.*

Total number of families studied.....	272
Total persons in families studied.....	1,628
16 years of age and over.....	614
8 years of age, but under 16.....	261
2 years of age, but under 8.....	482
Under 2 years.....	271

*Number and per cent distribution of families with mothers of specified nativity and race, according to use of fresh milk and change in amount consumed, 1917 to 1918.*

	All families.		Nativity and race of mother.					
			Native white.		Foreign white.		Colored.	
	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.
Total families.....	272	100.0	79	100.0	41	100.0	152	100.0
Purchasing no milk (19):								
Both years.....	8	2.9	1	1.2	0	.....	7	4.6
This year only.....	11	4.0	2	2.5	0	.....	9	5.9
Purchasing some milk this year (253):								
Less than last year.....	83	30.5	18	22.8	8	19.5	57	37.5
Same as last year.....	92	33.8	26	32.9	22	53.6	44	28.6
More than last year.....	78	28.6	32	40.5	11	26.8	35	22.7

*Number and per cent distribution of families having specified income according to use of fresh milk and change in amount consumed, 1917 to 1918.*

	All fami- lies.		Families with weekly income of—									
			\$10 or less.		\$11 to \$15.		\$16 to \$20.		\$21 and over.		No report.	
	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.
Total families.....	272	100.00	33	100.00	96	100.00	81	100.00	35	100.00	27	100.00
Purchasing no milk:												
Both years.....	8	2.94	1	3.03	4	4.16	3	3.70	0	.....	0	.....
This year only.....	11	4.04	0	.....	6	6.25	4	4.93	1	2.85	0	.....
Purchasing some milk this year:												
Less than last year.....	83	30.51	14	42.42	36	37.50	20	24.69	8	22.85	5	18.51
Same as last year.....	92	33.82	13	39.39	26	27.08	31	38.27	11	31.42	11	40.74
More than last year.....	78	28.67	5	15.15	24	25.00	23	28.39	15	42.85	11	40.74

*Number and per cent distribution of children 2 to 7 years of age in 1918 by average daily consumption of fresh milk, 1917 and 1918.*

	1917		1918	
	Number.	Per cent.	Number.	Per cent.
All children.....	482	100.0	482	100.0
Drinking fresh milk.....	276	57.3	228	47.3
Less than 1 cup.....	14	2.9	31	6.4
1 cup but less than 3.....	148	30.7	163	33.8
3 cups or more.....	114	23.7	34	7.1
Having no fresh cows' milk to drink.....	191	39.6	254	52.7
Breast fed.....	15	3.1	0	0

*Daily consumption, 1918, of fresh milk by children under 2 years not breast fed.*

	Number.	Per cent.
Total children.....	97	100.00
Drinking fresh milk.....	90	92.78
Less than 1 cup.....	2	2.06
1 cup but less than 3.....	26	26.80
3 cups or more.....	62	63.91
Having fresh milk only in other foods.....	4	4.12
Having no fresh milk.....	3	3.09

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U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, Child

APRIL 6  
1918

CHILDREN'S YEAR

APRIL 6  
1919

SAVE 100,000 BABIES  
GET A SQUARE DEAL FOR CHILDREN



CHILDREN'S YEAR LEAFLET NO. 1

Bureau Publication No. 36

PREPARED IN COLLABORATION WITH THE DEPARTMENT OF  
CHILD WELFARE OF THE WOMAN'S COMMITTEE, COUNCIL  
OF NATIONAL DEFENSE



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1918



*The Bureau*

## CHILDREN'S YEAR.

April 6, 1918—April 6, 1919.

The second year of the war should be marked by determined Nationwide effort on behalf of childhood. Other warring countries have learned that national security requires the protection of children. They are proving their conviction by extraordinary effort and large expenditure. The Children's Bureau of the United States Department of Labor and the Child Welfare Department of the Woman's Committee of the Council of National Defense are therefore calling upon the United States to heed the experience of Europe and to make the second year of the war, in fact as well as in name, a Children's Year throughout the country.

Careful study of the available sources of information about child welfare in the principal warring countries reveals striking developments of work to save the lives and health of mothers and babies, and to maintain family life and home care of children. For example, England during the second year of the war reduced her infant mortality rate to the lowest point in her history, and a special report issued in 1917 by the medical officer of the local government board of Great Britain sets forth the simple methods by which this was accomplished. The new war-orphan laws of France and Italy make special provision for children whose homes have been broken up by the casualties of war.

The importance of community work for older children is also emphasized. Many of the exemptions to child-labor laws permitted by England and France in the early months of the war have been abolished. Bills to provide fuller education, physical training, and occupational teaching are pending in the parliaments of England and France. England has for the last 12 months allowed Government funds for the support of children's play centers.

The volunteer effort which must usually precede constructive action by the Government has been even more extended. In each country special work to save babies' lives and to provide for children's care has been carried on since the beginning of the war; and as the war has progressed, provision for children's recreation and for protection against delinquency has received increasing attention.

Foreign authorities agree that child-welfare work must be developed now, in the midst of exhausting war; the future of each



nation makes this imperative. As examples of official statements which are found in the reports from every country, we quote only two. The first is taken from the last annual report of the chief medical officer of the British Board of Education.

The European war has given new emphasis to the importance of the child as a primary national asset. The future and strength of the nation unquestionably depend upon the vitality of the child, upon his health and development, and upon his education and equipment for citizenship. Great and far-reaching issues have their origin and some of their inspiration in him. Yet in a certain though narrow sense everything depends upon his physique. If that be sound, we have the rock upon which a nation and a race may be built; if that be impaired, we lack that foundation and build on the sand. It would be difficult to overestimate the volume of national inefficiency, unfitness and suffering, of unnecessary expenditure, and of industrial unrest and unemployability to which this country consents because of its relative failure to rear and to educate a healthy, virile, and well-equipped race of children and young people. There is no investment comparable to this, no national economy so fundamental; there is also no waste so ir retrievable as that of a nation which is careless of its rising generation. And the goal is not an industrial machine, a technical workman, a "hand," available merely for the increase of material output and the acquisition of a wage at the earliest moment, but a human personality, well grown and ready in body and mind, able to work, able to play, a good citizen, the healthy parent of a future generation.

Again, in France, the Minister of Public Instruction says:

The question of school attendance was never more pressing; never was the diligence of our pupils more necessary; but never were there more obstacles in its way. Double will be to-morrow the task of the pupils of to-day; twice as intense, therefore, should be their preparation for this task, and it is precisely at this hour that, in the absence of their mobilized fathers, they run the risk of escaping all educational influences. Therefore, more than in time of peace, we should fight now against the obstacles in the way of school attendance.

If argument were needed for greater attention to the physical care of children in the United States, it is found in the result of the first draft with its rejection of one-third of the men as not physically sound. We are told that a large proportion of the rejections were for causes dating back to infancy and early childhood which could have been removed had they been recognized and treated properly at the right time. The Weighing and Measuring Test mentioned in this circular is intended to aid in forestalling like deficiencies in the young of to-day.

### **The Program.**

A working program for Children's Year has been prepared by the Children's Bureau. Through the Child Welfare Department of the Woman's Committee of the Council of National Defense and through the State and county councils of defense, this program is being placed before the child welfare committee of each local council. Upon the activities of these local committees and the response and

cooperation of individual people in each community the success of Children's Year depends. Those who wish to further the work for Children's Year should therefore get in touch with their local council of defense.

Everyone can help: Not only mothers and fathers, teachers, physicians, infant-welfare nurses, and other social workers who have to do with children, but men and women experienced in organization, and young people with leisure and good will—in fact, all who want to do their bit in Children's Year—will find some way to serve their local committees.

For practical convenience the work proposed for Children's Year is grouped under certain topics, four of them concerned primarily with the needs of normal children living in their own normal homes, and a fifth concerned with the special problems of children whose homes have broken down, or who for any reason need unusual care:

- I. Public protection of mothers, infants, and young children.
- II. Home care and income.
- III. Child labor and education.
- IV. Recreation.
- V. Children in need of special care.

I. *Public protection of mothers, infants, and young children.*—As a definite goal in the protection of mothers, infants, and young children, it is proposed to save the lives of 100,000 young children during Children's Year. About 300,000 children under 5 years old died in the United States during the first year of the war, and it is estimated that at least one-half of these deaths might have been prevented by proper care. An analysis of the gains made during recent years in certain American communities and the striking decreases in infant mortality in England during her second year of war indicate that the proposal to save 100,000 lives is a reasonable undertaking.

Many of the activities suggested for Children's Year will not require money. Physicians and nurses and trained workers in other fields will give generously, as they have always done, of time and service; and much assistance can be given by untrained volunteers. But in all the plans thus far devised for the saving of mothers and babies the regular, full-time work of the public-health nurse is indispensable. And war time, with its heavy drain upon the services of physicians and nurses, will more than ever place upon the salaried public-health nurse the actual work of helping mothers to give their children better care.

The first community activity of Children's Year will be a Nationwide Weighing and Measuring Test of young children, carried on between the 6th of April and the 6th of June by the local committees of the Council of National Defense in cooperation with the Children's

**Bureau.** Weight and height are a rough index of the health of growing children. When these are found to be seriously below the average, whether in individual cases or in certain sections of the community, the test should be followed by intensive care. In fact, the test can be of permanent value only as it leads to some permanent development of work for protecting mothers and young children in each community.

**II. Home care and income.**—How mothers may be enabled to care for their own children at home with an income sufficient for family needs, instead of going out to help in earning their children's daily bread; how information about the best modern standards of house-keeping and the home care of older children may be popularized and made available for all—the study of these problems in their practical bearing is the aim of the work suggested under the subject, "Home care and income." For the saving of 100,000 lives of babies and little children this work is of great importance.

The infant mortality rates among babies of working mothers are found in studies made by the Children's Bureau to be considerably higher than the mortality rates among babies of mothers who do not go out to work. But older children, too, pay a penalty when the mother is obliged to go out to work. Too often both health and behavior suffer from such a lack of home care. In fact, the increased employment of mothers during the war is constantly referred to by foreign writers as one of the chief causes of the increased delinquency among children.

**III. Child labor and education.**—The burden of family support should not be placed upon young children. In some ways the country has started well. The Federal child-labor law became effective on September 1, 1917, and outside of one North Carolina district, in which a test case was raised, it is being enforced without exemptions. The War and Navy Departments are requiring that the standards of the Federal law be enforced in all their reservations, camps, and yards. But this is not enough. Communities should be on their guard against permitting special war-time exemptions from State child-labor and school-attendance laws, and they should develop constructive measures to meet the conditions which lead to the employment of children.

**IV. Recreation.**—Again, we have the testimony of foreign writers not only that during war time there is danger of overwork and of the breaking down of home life, but that the maintaining and developing of recreation are especially important. The neglect of children's recreation is frequently cited by authorities in England and on the continent as a cause of delinquency. If we are to avoid repeating the preventable wastage which other countries are now bending every

effort to repair, recreation for children and young people should have special attention during Children's Year.

*V. Children in need of special care.*—Then there are the children with special needs. There are many dependent children who are in no wise different from other children except that unfortunate circumstances have thrown them upon the community for support and nurture. There are, besides, the handicapped children who, by reason of physical or mental defects, can not respond to the training offered in the ordinary school, or whose infirmities require institutional care. The delinquent children are, again, not very different from other children. With proper supervision and guidance they may frequently become good citizens; without wise action by the community they drift into a life of crime.

### **Children's Year Material.**

In each of these five phases of the year's activities, the working program of Children's Year includes, first, definite questions by which the situation in a community may be reviewed, and, second, definite suggestions for work to be done. Copies of the working program and other Children's Year material described below will be supplied, upon application, by the Department of Child Welfare of the Women's Committee of the Counsel of National Defense, 1814 N Street NW., Washington, D. C. The other material includes:

*Record cards* for the Weighing and Measuring Test. Local chairmen, in asking for record cards, should give an estimate of the number required for reaching all children in their neighborhood. It is especially desirable that in rural communities local chairmen should distribute cards to parents who live too far away to bring their children to a central place for the test.

*Leaflets* explaining the methods for carrying out the activities suggested. For example, two leaflets on the Weighing and Measuring Test, with suggestions to committees and suggestions to examiners, are ready for distribution, and another leaflet on community work for the protection of mothers and young children is in press.

*Press articles* for use by local committees. In connection with each of the main topics of the working program, a series of press articles will be prepared for the exclusive use of Children's Year committees.

Copies of the general publications of the Children's Bureau can also be secured through the Department of Child Welfare of the Woman's Committee, 1814 N Street NW., Washington, D. C., or directly from the Children's Bureau, United States Department of Labor, Washington, D. C. The following list indicates the publications of the Bureau which would be of special use in connection with the work of Children's Year.

**Children's Year, General:**

**Child-Welfare Exhibits: Types and Preparation, Bureau publication No. 14.**

**I. Public protection of mothers, infants, and young children:**

- (1) **Bulletins addressed to the individual mother and telling her how to care for herself during pregnancy and for her children under 6 years of age.**

Prenatal Care, Bureau publication No. 4.

Infant Care, Bureau publication No. 8.

Child Care, Bureau publication No. 30. (In press.)

Milk: The Indispensable Food for Children, Bureau publication No. 35.

- (2) **Bulletins concerned with social measures especially affecting infant welfare and the health of children.**

Birth Registration: An aid in protecting the lives and rights of children, Bureau publication No. 2.

New Zealand Society for the Health of Women and Children: An example of methods of baby-saving work in small towns and rural districts, Bureau publication No. 6.

Baby Week Campaigns (revised edition), Bureau publication No. 15.

A Tabular Statement of Infant-Welfare Work by Public and Private Agencies in the United States, Bureau publication No. 16.

How to Conduct a Children's Health Conference, Bureau publication No. 23.

Infant Welfare Work in War Time, Reprint from American Journal of Diseases of Children.

- (3) **Bulletins discussing causes of mortality and briefly describing social measures to promote the health of mothers and young children.**

Infant Mortality: Results of a field study in Johnstown, Pa., based on births in one calendar year, Bureau publication No. 9.

Infant Mortality, Montclair, N. J.: A study of infant mortality in a suburban community, Bureau publication No. 11.

Maternal Mortality from all Conditions Connected with Child-birth in the United States and Certain Other Countries, Bureau publication No. 19.

Infant Mortality: Results of a field study in Manchester, N. H., based on births in one year, Bureau publication No. 20.

Infant Mortality: Results of a field study in Waterbury, Conn., based on births in one year, Bureau publication No. 29. (In press.)

Maternity and Infant Care in a Rural County in Kansas, Bureau publication No. 26.

**II. Home care and income:**

Care of Dependents of Enlisted Men in Canada, Bureau publication No. 25.

Governmental Provisions in the United States and Foreign Countries for Members of the Military Forces and their Dependents, Bureau publication No. 28.

Juvenile Delinquency in Certain Warring Countries, Bureau publication No. 30. (In press.)

**III. Child labor and education:**

Child-Labor Legislation in the United States, Bureau publication No.

10. Bureau supply of complete volume is exhausted, but reprints from the above can be obtained as follows:

Child-Labor Legislation in the United States: Separate No. 1, Analytical Tables.

Child-Labor Legislation in the United States: Separates Nos. 2 to 54, Text of laws for each State separately.

Child-Labor Legislation in the United States: Separate No. 55, Text of Federal Child-Labor Law.

Summary of Child-Welfare Laws passed in 1916, Bureau publication No. 21.

III. *Child labor and education*—Continued.

Administration of Child-Labor Laws:

Part 1. Employment-Certificate System, Connecticut, Bureau publication No. 12.

Part 2. Employment-Certificate System, New York, Bureau publication No. 17.

List of References on Child Labor, Bureau publication No. 18.

IV. *Recreation*:

Facilities for Children's Play in the District of Columbia, Bureau publication No. 22.

Juvenile Delinquency in Certain Warring Countries, Bureau publication No. 39. (In press.)

V. *Children in need of special care*:

A Social Study of Mental Defective in New Castle County, Del., Bureau publication No. 24.

Norwegian Laws Concerning Illegitimate Children, Bureau publication No. 31.



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U. S. DEPARTMENT OF LABOR

CHILDREN'S BUREAU

JULIA C. LATHROP, CHIEF

# INFANT MORTALITY

RESULTS OF A FIELD STUDY IN BROCKTON, MASS.  
BASED ON BIRTHS IN ONE YEAR

By

MARY V. DEMPSEY

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INFANT MORTALITY SERIES No. 8

Bureau Publication No. 37



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1919

## **PUBLICATIONS OF THE CHILDREN'S BUREAU.**

### **Annual Reports:**

Sixth Annual Report of the Chief, Children's Bureau, to the Secretary of Labor, for the fiscal year ended June 30, 1918. 27 pp. and 1 diagram. 1918.

### **Care of Children Series:**

No. 1. Prenatal Care, by Mrs. Max West. 41 pp. 4th ed. 1915. Bureau publication No. 4.

No. 2. Infant Care, by Mrs. Max West. 87 pp. 1914. Bureau publication No. 8.

#### **No. 3. Child Care:**

Part 1. The Preschool Age, by Mrs. Max West. 88 pp. and 3 diagrams. 1918. Bureau publication No. 30.

No. 4. Milk, The Indispensable Food for Children, by Dorothy Reed Mendenhall, M. D. 82 pp. 1918. Bureau publication No. 35.

### **Dependent, Defective, and Delinquent Classes Series:**

No. 1. Laws Relating to Mothers' Pensions in the United States, Denmark, and New Zealand. 102 pp. 1914. Bureau publication No. 7. (Out of print. Revised edition in preparation.)

No. 2. Mental Defectives in the District of Columbia: A brief description of local conditions and the need for custodial care and training. 89 pp. 1915. Bureau publication No. 13.

No. 3. A Social Study of Mental Defectives in New Castle County, Del., by Emma O. Lundberg. 38 pp. 1917. Bureau publication No. 24.

No. 4. Juvenile Delinquency in Rural New York, by Kate Holladay Claghorn. 199 pp. 1918. Bureau publication No. 32.

No. 5. Juvenile Delinquency in Certain Countries at War: A brief review of available foreign sources. 28 pp. 1918. Bureau publication No. 39.

No. 6. Children Before the Courts in Connecticut, by Wm. B. Bailey, Ph. D. 98 pp. 1918. Bureau publication No. 43.

No. 7. Mental Defect in a Rural County: A medico-psychological and social study of mentally defective children in Sussex County, Del., by Walter L. Treadway, M. D., Passed Assistant Surgeon, U. S. Public Health Service, and Emma O. Lundberg, Children's Bureau. — pp. 1919. Bureau publication No. 48. (In press.)

### **Infant Mortality Series:**

No. 1. Baby-Saving Campaigns: A preliminary report on what American cities are doing to prevent infant mortality. 93 pp. 4th ed. 1914. Bureau publication No. 3. (Bureau supply exhausted. Copies may be purchased from Superintendent of Documents at 15 cents each.)

No. 2. New Zealand Society for the Health of Women and Children: An example of methods of baby-saving work in small towns and rural districts. 18 pp. 1914. Bureau publication No. 6.

No. 3. Infant Mortality: Results of a field study in Johnstown, Pa., based on births in one calendar year, by Emma Duke. 93 pp. and 9 pp. illus. 1915. Bureau publication No. 9.

No. 4. Infant Mortality, Montclair, N. J.: A study of infant mortality in a suburban community. 36 pp. 1915. Bureau publication No. 11.

No. 5. A Tabular Statement of Infant-Welfare Work by Public and Private Agencies in the United States, by Etta R. Goodwin. 114 pp. 1916. Bureau publication No. 16.

No. 6. Infant Mortality: Results of a field study in Manchester, N. H., based on births in one year, by Beatrice Sheets Duncan and Emma Duke. 135 pp., 4 pp. illus., and map of Manchester. 1917. Bureau publication No. 20.

No. 7. Infant Mortality: Results of a field study in Waterbury, Conn., based on births in one year, by Estelle B. Hunter. 157 pp. and 2 maps. 1918. Bureau publication No. 29.

No. 8. Infant Mortality: Results of a field study in Brockton, Mass., based on births in one year, by Mary V. Dempsey. 82 pp. 1918. Bureau publication No. 37.

No. 9. Infant Mortality: Results of a field study in Saginaw, Mich., based on births in one year, by Nila F. Allen. — pp., — pp., illus., and — maps. 1919. Bureau publication No. 52. (In press.)

(Continued on third page of cover.)



U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, Chief

# INFANT MORTALITY

RESULTS OF A FIELD STUDY IN BROCKTON, MASS.  
BASED ON BIRTHS IN ONE YEAR

By

MARY V. DEMPSEY

INFANT MORTALITY SERIES No. 8

Bureau Publication No. 37



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1919

**Harvard College Library**  
**June 2, 1919.**  
**From**  
**United States Government.**

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## LETTER OF TRANSMITTAL.

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U. S. DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU,  
*Washington, April 8, 1918.*

SIR: Herewith I transmit a study of infant mortality in the city of Brockton, Mass., for one year, which constitutes the fifth item in the series of studies of this subject conducted by the bureau.

Brockton was selected as an example of an industrial city with an infant mortality rate notably lower than the average rate for the registration area. It is a city of a single industry, the manufacture of shoes; skilled operatives are employed at comparatively high wages, and trade-union conditions prevail.

Acknowledgment should be made of the cooperation given by the citizens of Brockton in securing information upon which this study is based. City officials, the press, the pulpit, women's organizations, and the shoe workers' unions aided in making the purpose and method of the study thoroughly understood. The essential material was secured by interviewing the mothers of the babies under consideration, and the generous assistance of these mothers alone made the study possible. No mother refused to give the desired information.

The field work for this study was directed, and the report was written, by Miss Mary V. Dempsey. Miss Emma Duke supervised the tabulation of the statistics. Dr. Robert M. Woodbury wrote the appendix on method of procedure.

Respectfully submitted.

JULIA C. LATHROP,  
*Chief.*

Hon. W. B. WILSON,  
*Secretary of Labor.*





# INFANT MORTALITY—BROCKTON, MASS.

## INTRODUCTION.

Brockton, Mass., was chosen as a unit in the inquiry of the Children's Bureau into the social, economic, and civic factors underlying infant mortality for three reasons:

First. It is situated in a State with excellent birth registration, an important consideration on account of the assistance afforded by the birth records in finding the mothers to be interviewed.

Second. As a town devoted to a single industry, employing skilled workers, and paying high wages, Brockton presents an interesting phase of the infant mortality problem. The city is almost exclusively given over to the manufacture of shoes and shoe findings.

Third. Brockton has had for some years comparatively low death rates and low infant mortality rates. The general death rate, moreover, has shown a steady decrease year by year; each year, from 1910 to 1913, inclusive, the city can claim the distinction of having had the lowest rate among the cities in Massachusetts of at least 50,000 population, and for the 10-year period from 1901 to 1910, inclusive, its average annual death rate also was the lowest in this group of cities.<sup>1</sup>

## INFANT MORTALITY RATES.

An interesting comparison is afforded by a study of the infant mortality rates for the State of Massachusetts and the cities in the State having a population of 50,000 or more in 1910, and the general infant mortality rate of 124 for the death registration States in the same year.<sup>2</sup>

TABLE I.—*Infant mortality rates 1910–1913 for the State of Massachusetts and for cities having a population of 50,000 or over in 1910.*

City.	1910 <sup>a</sup>	1911 <sup>b</sup>	1912 <sup>a</sup>	1913 <sup>a</sup>
The State.....	133	119	117	110
Boston.....	124	126	117	110
Brockton.....	102	78	100	98
Cambridge.....	120	114	97	98
Fall River.....	186	177	151	151
Holyoke.....	213	183	163	200
Lawrence.....	188	141	135	128
Lowell.....	231	189	184	151
Lynn.....	100	102	112	82
New Bedford.....	180	148	156	143
Roserville.....	102	93	78	88
Springfield.....	126	102	102	104
Worcester.....	137	111	133	108

<sup>a</sup> Seventy-third Annual Report on Births, Marriages, and Deaths in Massachusetts for the Year 1914, pp. 206, 207. Boston, 1915.

<sup>b</sup> Seventieth Annual Report on Births, Marriages, and Deaths in Massachusetts for the Year 1911, pp. 181, 182. Boston, 1912.

<sup>1</sup> Seventy-third Annual Report on Births, Marriages, and Deaths in Massachusetts for the Year 1914, p. 201. Boston, 1915.

<sup>2</sup> U. S. Bureau of the Census, Mortality Statistics 1911, pp. 10, 26. Washington, 1913.

**DESCRIPTION OF CITY.**

Brockton, located 21 miles south of Boston, has an area of 21½ square miles, more than half of which is decidedly rural in character. The city's growth has been from north to south along Main Street, which is the center of all business activities.

The merchants of Brockton do not suffer in commercial competition, because of the city's proximity to Boston, in contrast to many other communities within the same radius of the larger city. The wealthy owners of factories and high-salaried officials connected with the shoe industry live in Brockton. Their beautiful homes scattered here and there save the city from the monotonous appearance which so often characterizes manufacturing cities.

**HISTORY.**

Brockton has an interesting history dating back to the time when Miles Standish purchased the Bridgewater from Massasoit in 1649. Although settled in 1700 as part of the town of Bridgewater, not until 1821 did it become a separate town known as North Bridgewater. In 1874 the name of Brockton was adopted and in 1881 the city was incorporated. The development of Brockton has kept pace with that of the shoe industry in New England, the population having increased from 13,608 in 1880 to 56,878 in 1910.

**INDUSTRIAL CONDITIONS.**

Brockton is the largest center in the United States for the manufacture of men's high-grade shoes and "also occupies [the] chief place in Massachusetts in the production of shoe-factory tools and supplies."<sup>1</sup> Within the city limits are about 30 shoe factories and several factories devoted to the making of shoe parts and shoe findings. In addition, many factories of the same kind are situated in adjacent towns. No other manufacturing is extensively done in Brockton; those who do not work in the shoe factories are to a large extent engaged in meeting the needs of those who do. It is pre-eminently a one-industry town, and that industry is carried on by highly specialized workers who make good wages and possess an unusual degree of skill. The unskilled workman, or the man who has learned his trade in the manufacture of cheap shoes, must market his labor elsewhere. As a result, the Brockton shoe operatives are, for the most part, a picked force representing the best of the shoe workers of New England.

The industrial situation in the city can not perhaps be better summarized than in the abstract of a report made by the British Board of Trade:<sup>2</sup>

<sup>1</sup> U. S. Bureau of Labor Statistics. *The Boot and Shoe Industry in Massachusetts as a Vocation for Women*, p. 26. Washington, 1915.

<sup>2</sup> *Living Conditions of the Wage-earning Population in Certain Cities of Massachusetts. Abstract of a Report by the Labor Department of the British Board of Trade*, pp. 262-263. Massachusetts Bureau of Statistics, Boston, 1911.

The boot and shoe trade in Brockton is highly organized, and practically all the manufacturers recognize agreements with the men's unions. The trade-union stamp system has been developed with considerable success. There is little doubt that the manufacturers regard the stamp as an asset of some value for advertising purposes and as a quid pro quo for their concession of union claims. The agreement, known as the "union stamp agreement," is entered into between the manufacturer and the Boot and Shoe Workers' Union, the international organization which forms a coordinating body for the unions concerned with special branches of the trade. The principal provisions of the agreement are that "the union agrees to furnish its union stamp to the employer free of charge, to make no additional price for the use of the stamp, to make no discrimination between the employer and other firms, persons or corporations who may enter into an agreement with the union for the use of the union stamp, and to make all reasonable effort to advertise the union stamp and to create a demand for the union-stamped products of the employer, in common with other employers using the union stamp." On the other side the employer agrees to hire as boot and shoe workers only members of the union. It is further agreed that the union will not cause or sanction any strike, that the employer will not lock out his employees while the agreement is in force, and that all questions of wages or conditions of labor which can not be mutually agreed upon shall be submitted to the Massachusetts State Board of Conciliation and Arbitration.

The progress of the city under this régime is evident on every hand. One rarely hears of dissatisfaction with the "union stamp agreement." Although the high scale of wages demanded by the unions is said to keep away from the city the cheaper sort of contracts, it keeps away also much of the cheaper labor and draws to the city only those workmen who are at least fairly skilled. Labor men throughout the State consider that labor conditions in Brockton were more satisfactory than in any other Massachusetts city.

In no [shoe] factory in Brockton and in few situated in surrounding towns can a nonunion man be employed \* \* \*. Altogether about four-fifths of the women in the Brockton district belong to unions \* \* \*. In Brockton the higher wage, good factory equipment, and permanence of business concerns are no doubt largely due to the intelligent and moderate management of the unions. The fact that the unions have to deal with a superior class of manufacturers, who reside among and respect their working force, must be given a large place in the accomplishment of these results.<sup>1</sup>

Wages in the boot and shoe industry are generally conceded to be high as compared with those in other manufacturing industries. The British Board of Trade states,<sup>2</sup> furthermore, that—  
there appears to be no doubt that the average yearly earnings of the boot and shoe operatives are higher in Brockton than in any other boot and shoe center in Massachusetts. It is claimed, indeed, that they are higher than in any other center in the world.

Although these statements were made about four years prior to the year considered in this study, conditions had not materially changed up to the time of this inquiry.

<sup>1</sup> U. S. Bureau of Labor Statistics. *The Boot and Shoe Industry in Massachusetts as a Vocation for Women*, pp. 98, 99. Washington, 1915.

<sup>2</sup> *Living Conditions of the Wage-earning Population in Certain Cities of Massachusetts*. Abstract of a Report by the Labor Department of the British Board of Trade, p. 264. Massachusetts Bureau of Statistics, Boston, 1911.

An interesting feature of Brockton is the high proportion of children in high school. In 1912-13 there were 1,382 children in high school, compared to an estimated child population 15 to 19 of 5,336,<sup>1</sup> or nearly 26 per cent. This figure is in striking contrast with that of Fall River, 8 per cent, and of New Bedford, not quite 7 per cent. This result is probably due to the city's high economic level, which permits children to continue in school longer than would otherwise be the case, but it shows also an appreciation of the value of education.

In summary, high wages appear to have developed high standards of living, a desire for better education, and a sense of civic responsibility; as a result, the city enjoys improved civic conditions which in turn react favorably upon the health of its residents.

#### METHOD OF PROCEDURE.

This inquiry was designed to show the effect upon infant mortality of various economic, social, and physical factors. Births in a selected year were studied and the number of deaths under 1 year of age among them was determined; in this way an infant mortality rate, or the deaths under 1 year per 1,000 live births, was found for the city and the various subgroups. The year selected was from November 1, 1912, to October 31, 1913. The work of copying the birth certificates on schedules was begun in October, 1914; if a death certificate was recorded for a child born in the selected year, the facts on this certificate were also transferred to the schedule. The women agents of the bureau then began interviewing mothers, from whom most of the data used in this study were obtained. No mother was interviewed before her baby's first birthday. Every home was visited whether the mother was rich or poor, native or foreign, provided the baby was born in Brockton during the year selected and his birth was registered at the city hall.

Although no attempt was made to find unregistered births by making a house-to-house canvass, by examination of baptismal records, or by other means, 28 such births were discovered. Twenty-four of these were obtained from death certificates and four living unregistered babies were found purely by accident. Inasmuch as the agents probably did not find all births which were not registered, the bureau deemed it advisable to base the detailed study upon registered births alone.<sup>2</sup>

Copies were made of 1,585 birth certificates (exclusive of duplicates). Three hundred and twenty-eight registered births and 10 registered miscarriages were excluded from the detailed study, 247 of the births being to mothers who had moved from the city or whose correct ad-

<sup>1</sup> The ages 15 to 19 are chosen as the group given by the Federal census that offers the best basis for comparison. The figure 1,382 includes all children in high school, not merely those 15 to 19.

<sup>2</sup> See Appendix, p. 62.

dresses could not be found.<sup>1</sup> No baby was included whose mother did not reside in Brockton the greater part of the first year after his birth. Complete data were obtained for the remaining 1,247 births, including 37 stillbirths.

## ANALYSIS OF FINDINGS.

### INFANT MORTALITY RATE.

Of the 1,247 registered births included in the detailed study of infant mortality in Brockton, 37, or 3 per cent, were stillbirths. The deaths among the live-born infants numbered 117, giving an infant mortality rate of 96.7.

### AGE AT DEATH.

Nearly one-half the infant deaths occurred in the first month of life and as many before the end of the first day as between the ages of 6 and 12 months. Of the 117 infant deaths, one-third occurred in the first week; and more than one-fifth took place before the babies were 1 day old.

TABLE II.—*Number and per cent distribution of deaths among infants born in Brockton during selected year, by age at death.*

Age at death.	Infant deaths.	
	Number.	Per cent distribution.
All ages.....	117	100.0
Less than 1 month.....	57	48.7
Less than 1 day.....	24	20.5
1 day but less than 2.....	2	1.7
2 days but less than 3.....	4	3.4
3 days but less than 7.....	9	7.7
1 week but less than 2.....	3	2.6
2 weeks but less than 1 month.....	15	12.8
1 month but less than 2.....	9	7.7
2 months but less than 3.....	10	8.5
3 months but less than 6.....	17	14.5
6 months but less than 9.....	12	10.3
9 months but less than 12.....	12	10.3

A study of the proportion of deaths occurring at various ages reveals interesting differences between Brockton and the other cities studied by the Children's Bureau. (Table III.)

TABLE III.—*Per cent distribution of deaths among infants born in specified cities during selected periods, by age at death.*

Age at death.	All cities.	Brockton.	Johnstown.	Manchester.	Saginaw.	New Bedford.
All ages.....	100.0	100.0	100.0	100.0	100.0	100.0
Less than 1 month.....	35.5	48.7	37.8	27.9	56.6	30.3
Less than 1 day.....	11.8	20.5	14.3	6.6	8.4	12.2
1 day but less than 2.....	2.9	1.7	1.0	2.3	12.0	2.7
2 days but less than 3.....	2.2	3.4	2.0	3.1	2.4	1.2
3 days but less than 7.....	5.8	7.7	5.6	5.8	8.4	4.5
1 week but less than 2.....	5.0	2.6	7.1	3.9	9.6	4.5
2 weeks but less than 1 month.....	7.8	12.8	7.7	6.2	15.7	5.3
1 month but less than 2.....	9.3	7.7	9.2	9.3	10.8	9.5
2 months but less than 3.....	7.8	8.5	8.2	9.8	3.6	7.1
3 months but less than 6.....	20.7	14.5	21.4	22.1	12.0	23.4
6 months but less than 9.....	16.2	10.3	15.8	19.0	7.2	18.7
9 months but less than 12.....	10.5	10.3	7.7	12.4	9.6	11.0

<sup>1</sup> See Appendix, pp. 64 to 67, for detailed reasons for exclusions.

The percentage of deaths occurring in the first day of life was strikingly high in Brockton; it was nearly twice as large as the average for all cities studied.

A baby who dies at a very early age is one who has not had a fair start in life. In other words, the baby is born with a handicap and dies before he has an opportunity to reap any benefit from breast feeding, sanitary environment, and the ample income and superior intelligence of his parents. In Brockton, therefore, the importance of these factors was lessened by the fact that a large proportion of the deaths occurred at a very early age.

#### STILLBIRTHS.

Thirty-seven stillbirths were included in the detailed analysis. The per cent that stillbirths formed of all births in the various cities studied is shown in Table IV. Brockton's stillbirth rate compared favorably with that for New Bedford and Saginaw and was considerably lower than the rates for Johnstown and Manchester.

TABLE IV.—*Per cent of stillbirths during selected year to mothers of specified nativity, for specified cities.*

City.	Stillbirths per 100 births.		
	Total mothers.	Native mothers.	Foreign-born mothers.
All cities.....	3.8	3.8	3.9
Brockton.....	3.0	2.0	3.9
Johnstown.....	4.5	4.0	5.1
Manchester.....	4.8	4.6	4.9
Saginaw.....	3.3	3.7	2.4
New Bedford.....	2.8	3.2	2.7

Stillbirths to mothers of 30 years of age or over were proportionately more than four times as numerous as those to mothers under 30. The proportion increased slightly but steadily with the number in order of birth. (See Table XII, p. 20.)

Foreign-born mothers had proportionately almost twice as many stillbirths as native mothers; 12 of the 37 stillbirths included in the study were to native mothers and 25 to foreign-born mothers. Compared with the other nationality groups, the Italian and British mothers had a high percentage of stillbirths. The Swedish and Jewish mothers had none. (See Table XVIII, p. 24.)

The proportion of stillbirths was large among illiterate mothers, as well as among mothers who were unable to speak English. (See Tables XX and XXI, p. 29.) Also, mothers in the lower economic classes had more stillbirths proportionately than did those who were more fortunately situated. (See Table XXIII, p. 32.)

## CAUSE OF DEATH.

A careful study of the certified or immediate cause of death affords clues leading to the more remote social or economic conditions affecting the prevalence or incidence of disease. The number and per cent of deaths caused by each group of diseases are shown in Table V.

TABLE V.—*Number and per cent distribution of deaths among infants born during selected year, by cause of death.*

Cause of death.	Infant deaths.	
	Number.	Per cent distribution.
All causes.....	117	100.0
Gastric and intestinal diseases.....	15	12.8
Respiratory diseases.....	16	13.7
Malformations.....	6	5.1
Early infancy.....	45	38.5
Premature birth.....	20	17.1
Congenital debility.....	18	15.4
Injuries at birth.....	7	6.0
Epidemic diseases.....	10	8.5
Diseases ill defined or unknown.....	6	5.1
All other causes.....	19	16.2

**Diseases peculiar to early infancy.**—Forty-five, or 39 per cent, of the 117 deaths, were traceable to causes peculiar to early infancy; of these, 32 died in the first two weeks. Diseases peculiar to early infancy, then, constituted the chief cause of death among the Brockton babies studied.

Of every 1,000 babies who were born alive in Brockton during the year chosen, 37 died of causes peculiar to early infancy. In proportion to the total deaths, these causes were relatively of much greater importance than in other cities studied, notably Manchester; but the rate—which is the fairer comparison—was about average.

TABLE VI.—*Infant mortality rates for specified cities, by cause of death.*

Cause of death.	All cities.	Brockton.	Johnstown.	Manchester.	Saginaw.	New Bedford.
All causes.....	127.0	96.7	134.0	165.0	84.6	130.3
Gastric and intestinal diseases.....	37.8	12.4	32.8	63.3	8.2	48.3
Respiratory diseases.....	22.8	13.2	26.7	26.2	10.2	27.8
Malformations.....	5.3	5.0	3.4	9.0	4.1	4.6
Early infancy.....	35.5	37.2	39.6	39.6	37.7	29.0
Premature birth.....	12.9	16.5	14.4	14.7	12.2	9.7
Congenital debility.....	19.2	14.9	20.5	24.3	24.5	15.5
Injuries at birth.....	3.3	5.8	4.8	.6	1.0	3.9
Epidemic diseases.....	7.7	8.3	11.6	3.2	5.1	8.9
Diseases ill defined or unknown.....	5.0	5.0	7.5	7.0	4.1	2.7
All other causes.....	12.9	15.7	12.3	16.6	15.3	8.9

A striking contrast between the comparative infant mortality rates for five cities studied by the bureau is shown in Table VI. The rate from gastric and intestinal diseases for Brockton is low compared with the rates for Johnstown and Manchester. The rate from diseases of early infancy is about the same in all the cities studied. Evidently, while great progress has been made in decreasing the number of deaths from gastric and intestinal diseases, little has yet been done to decrease the deaths in early infancy. The very high percentage of deaths in the first week or month of life merely presents the same truth with a different emphasis. In Johnstown, Manchester, and New Bedford the work of mothers before confinement may have contributed to a high rate in those cities, but in Brockton, where the work as described was much less arduous than in other cities, this employment can not be considered a factor in the infant mortality of 37 from diseases peculiar to early infancy.

**Gastric and intestinal diseases.**—Fifteen babies died during their first year from gastric and intestinal diseases; this number represents 12.8 per cent of all infant deaths. In Manchester 38.4 per cent of all deaths under 1 year were due to this cause and in New Bedford 37.1 per cent. The proportion of deaths under 1 year from this cause in Massachusetts cities having a population of at least 100,000 in 1910 is shown in Table VII.

TABLE VII.—*Per cent of deaths under 1 year in 1913 due to gastric and intestinal diseases in Massachusetts cities with a population of 100,000 and over in 1910.*

City.	Per cent. <sup>a</sup>
The State.....	28.3
Boston.....	22.8
Cambridge.....	31.3
Fall River.....	36.1
Lowell.....	37.5
Worcester.....	28.5

<sup>a</sup> Derived from U. S. Census Bureau, Mortality Statistics 1913, pp. 582 and 601-603.

Although these percentages are available only for cities which are much larger than Brockton, it is plainly evident that the proportion of deaths caused by gastric and intestinal diseases was unusually low in Brockton. This difference is shown in a more striking way by the infant mortality rates from these diseases in the cities studied. (See Table VI, p. 15.) In Brockton 12 out of every 1,000 live-born infants died from gastric and intestinal diseases, while in Johnstown 33, in Manchester 63, and in New Bedford 48 died from these causes.

Of the 15 deaths from gastric and intestinal diseases, 14 occurred during August, September, and October. (See General Table 3.) The mortality from these diseases is usually greatest in the late summer months.



**Respiratory diseases.**—Of all infant deaths, 16, or 13.7 per cent, were caused by respiratory diseases. This proportion is somewhat lower for Brockton than for the other cities studied, with the exception of Saginaw. Twelve of these deaths occurred during the winter months. Five of the children who died from this cause had native mothers and 11 had foreign-born mothers. Ventilation of homes, which, if inadequate, might be a factor in deaths from these diseases, was found to be good in 82 per cent of the homes of native mothers and in 56.5 per cent of the homes of foreign-born mothers.

Ten babies died from epidemic diseases, six from diseases ill defined or unknown, and 19 from all other causes.

#### ATTENDANT AT BIRTH.

A circumstance which clearly indicates the progress of the foreign-born residents of Brockton is the fact that they have become accustomed to engaging physicians as attendants at childbirth. Of the births to foreign-born mothers, 36 or 5.7 per cent were attended by midwives; these mothers were all Lithuanians. These 36 births were 2.9 per cent of all births during the selected year. In Manchester 13.6 per cent and in New Bedford 30 per cent of the births to foreign-born mothers were so attended. Three of the births to foreign-born mothers in Brockton were attended by neighbors or relatives, 3 had no attendant, and in 2 cases the attendant was not reported. All the births to native mothers were attended by physicians.

Two midwives made birth reports to the city clerk during 1913; an investigation of the practice of midwifery made in 1909 showed that 3 midwives were at that time practicing in Brockton.<sup>1</sup> The midwife has a peculiar status under the Massachusetts law; the Massachusetts Commission on Immigration states that "as she is not a medical practitioner under the law she can not legally practice. And yet she is required to register all the births she attends, and is paid a fee for doing this."<sup>2</sup>

This curious inconsistency in the law may tend to discourage the registration of births by midwives in some cities throughout the State, but nothing has been found to indicate that Brockton is among their number.

<sup>1</sup> Huntington, J. L., M. D. "Midwives in Massachusetts." *Boston Medical and Surgical Journal*, Vol. CLXVII, No. 16, pp. 542-548.

<sup>2</sup> The Problem of Immigration in Massachusetts, Report of the Commission on Immigration, p. 103. Boston, 1914.

TABLE VIII.—*Number and per cent distribution of births during selected year to mothers of specified nativity, according to kind of attendant at birth.*

Kind of attendant at birth.	Total mothers.		Native mothers.		Foreign-born mothers.	
	Births.	Per cent distribution.	Births.	Per cent distribution.	Births.	Per cent distribution.
All classes.....	1,247	100.0	613	100.0	634	100.0
Physician.....	1,203	96.5	613	100.0	590	93.1
Midwife.....	36	2.9	.....	.....	36	5.7
Other, none, or not reported.....	8	.6	.....	.....	8	1.3

Various secret and fraternal orders, foreign societies, unions, and private clubs have customarily engaged physicians for their members by the year. As a rule each member pays a stated sum to this physician and is in return entitled to his services for a year without further charge.

## SEX.

The masculinity, or ratio of male births to female births which occurred in Brockton during the selected year, was 1,058 to 1,000. The infant mortality was higher among male children. This conformity to frequently observed phenomena is shown not only for the births and for the infant mortality rate in the city as a whole but for the children of native and of foreign-born mothers as well. In spite of the high infant mortality among the males, more male than female children survived at the end of the first year.

TABLE IX.—*Births during selected year, infant deaths, infant mortality rate, and per cent of stillbirths, according to sex of infant and nativity of mother.*

Sex of infant and nativity of mother.	Total births.	Live births.	Infant deaths.	Infant mortality rate.	Stillbirths.	
					Number.	Per cent of total births.
All mothers.....	1,247	1,210	117	96.7	37	3.0
Male.....	641	623	70	112.4	18	2.8
Female.....	606	587	47	80.1	19	3.1
Native mothers.....	613	601	61	101.5	12	2.0
Male.....	307	301	37	122.9	6	2.0
Female.....	306	300	24	80.0	6	2.0
Foreign-born mothers.....	634	609	56	92.0	25	3.9
Male.....	334	322	33	102.5	12	3.6
Female.....	300	287	23	80.1	13	4.3

## AGE OF MOTHER.

The influence of the age of the mother on infant mortality is shown in Table X.

TABLE X.—*Births during selected year, infant deaths, infant mortality rate, and per cent of stillbirths, according to age of mother at birth of infant.*

Age of mother.	Total births.	Live births.	Infant deaths.	Infant mortality rate. <sup>a</sup>	Stillbirths.	
					Number.	Per cent of total births. <sup>a</sup>
All mothers.....	1,247	1,210	117	96.7	37	3.0
Under 20.....	58	57	8		1	
20 to 24.....	346	340	36	105.9	6	1.7
25 to 29.....	352	349	30	86.0	3	.9
30 to 39.....	422	398	23	96.5	24	5.7
40 and over.....	66	63	5		3	
Not reported.....	3	3				

<sup>a</sup> Not shown where base is less than 100.

In Brockton the infant mortality rate was highest among babies whose mothers were less than 25 years of age.

The combined data for the five cities studied show that the infant mortality rate was highest for babies whose mothers were under 20, while children of mothers 40 and over had the next highest rate. Mothers between the ages of 25 and 29 lost proportionately the fewest babies.

TABLE XI.—*Infant mortality rates for specified cities, according to age of mother at birth of infant.*

Age of mother.	Infant mortality rates for a—					
	All cities.	Brockton.	Johns-town.	Manches-ter.	Saginaw.	New Bed-ford.
All mothers.....	127.0	96.7	134.0	165.0	84.6	130.3
Under 20.....	180.6					259.3
20 to 24.....	131.2	105.9	121.1	181.2	105.4	128.3
25 to 29.....	117.4	86.0	143.2	153.3	73.8	114.0
30 to 39.....	121.5	95.5	135.9	146.6	70.5	129.8
40 and over.....	142.1					142.9

<sup>a</sup> Not shown where base is less than 100.

## ORDER OF BIRTH.

The first-born children, according to Table XII, had a slightly greater chance of dying than the second or third-born children; the infant mortality rate increased for the fourth-born children, as well as for those who were fifth or later in order of birth. This is in general accord with the findings of other infant mortality studies and with a similar table concerning number of pregnancies in the maternal history section of this study. (See Table XXXIV, p. 41.)

TABLE XII.—*Births during selected year, infant deaths, infant mortality rate, and per cent of stillbirths, according to number in order of birth.*

Number in order of birth.	Total births.	Live births.	Infant deaths.	Infant mortality rate.	Stillbirths.	
					Number.	Per cent of total births.
All mothers .....	1,247	1,210	117	96.7	37	3.0
First.....	416	408	38	93.1	8	1.9
Second.....	262	256	23	89.8	6	2.2
Third.....	185	178	16	89.9	7	3.8
Fourth.....	124	119	12	100.8	5	4.0
Fifth and later.....	260	249	28	112.4	11	4.2

## FEEDING.

All medical authorities are agreed as to the superiority of breast milk over any other kind of food for infants. Yet in spite of the constant reiteration of this well-known fact many mothers resort to various other foods for their babies.

Thirty-three of the 1,210 live-born babies died before they were fed, although a few of them lived for two or three days. Of the 1,177 babies who were fed 232, or 19.7 per cent, were never breast fed. The proportion of breast-fed babies decreased as the age increased, since more and more of them were given some food in addition to breast milk or else were exclusively artificially fed. Table XIII shows the percentage of infants surviving at the beginning of each month of life that were exclusively breast fed in that month. This percentage fell from 78.5 in the first month to 33.2 in the ninth.

A baby who is breast fed in a given month has almost invariably enjoyed the same type of feeding since birth. On the other hand, the baby who is artificially fed in the ninth month may never have had any breast milk, but he is far more likely to have been nursed for a long or short time before being weaned. In other words, feeding is a changing process that does not readily lend itself to tabular presentation. A table showing the type of feeding at different periods of an infant's life should be regarded as a series of snapshots rather than as a moving picture of his feeding during his first year.

TABLE XIII.—*Infants born during selected year, and surviving at beginning of specified month<sup>a</sup> and number and per cent exclusively breast fed during specified month.*

Month of life.	Total infant survivors.	Breast fed exclusively.	
		Number.	Per cent.
First.....	a 1,177	924	78.5
Second.....	1,153	815	70.7
Third.....	1,144	752	65.7
Fourth.....	1,134	650	57.3
Fifth.....	1,128	608	53.9
Sixth.....	1,122	554	49.4
Seventh.....	1,117	467	41.8
Eighth.....	1,114	424	38.1
Ninth.....	1,110	368	33.2

<sup>a</sup> Excluding 33 who died not fed.

The mortality among artificially-fed infants was considerably higher than among the breast-fed infants, as shown in Table XIV. In this table figures are presented showing the number of deaths in each month of life per 1,000 survivors at the beginning of the month; the monthly rate was highest for the first month and was still high for the second and third months. A comparison between the death rates for the breast fed and the artificially fed indicates clearly the great advantage the breast-fed infants enjoyed over the artificially fed. The percentage difference in the rates was relatively greater for the later months than for the first. The deaths in the first month were probably influenced more by prenatal causes than by the type of feeding in the month.

TABLE XIV.—Deaths in the month per 1,000 survivors at beginning of month and monthly death rates per 1,000 infants fed in specified way, by month of life.<sup>a</sup>

Month of life.	Deaths in month per 1,000 survivors at beginning of month.	Deaths in month per 1,000 infants—	
		Breast fed.	Artificially fed.
First.....	<sup>b</sup> 20.4	17.3	30.0
Second.....	7.8	4.9	16.3
Third.....	8.7	4.0	19.8
Fourth.....	5.3	.....	14.3
Fifth.....	5.3	1.6	11.4
Sixth.....	4.5	.....	10.9
Seventh.....	2.7	2.1	2.1
Eighth.....	3.6	2.4	6.0
Ninth.....	4.5	.....	9.7
Tenth to twelfth (average).....	3.6	2.7	5.2

<sup>a</sup> Derived from General Table 6.

<sup>b</sup> The rate is per 1,000 infants who lived to be fed. The rate per 1,000 live births is 47.1; 33 infants died not fed.

The facts in this table can be summed up as follows: If the monthly rates for all infants are applied to 1,000 live births, subtracting successively the deaths in each month to find the survivors at the beginning of the next month, the number of survivors at the end of the year would be 903. The deaths in the year (97) divided by 1,000 births would correspond to rate (96.7) for the city. If applied to 1,000 infants who lived to be fed, the deaths in the year would total 71.

The relative difference between breast feeding and artificial feeding may be expressed most clearly by applying to the group of 1,000 infants who lived to be fed the rates for each kind of feeding successively. If the group were breast fed throughout the year, there would have been 960 survivors; if artificially fed, only 872 survivors. In other words, the mortality rates would be 40 and 128, respectively. The rate for the artificially-fed is three times the rate for breast-fed infants. The difference may be stated in still another way. Among the infants who had either artificial or mixed feeding, 55 deaths actually occurred. If all these babies had been breast fed and the

rate for the breast-fed group had applied to them, only 17 deaths, instead of 55, would have occurred in this group.

**Feeding and mother's nativity.**—Artificial feeding was more commonly practiced by the native mothers than by the foreign-born mothers. In fact, three native mothers were feeding their babies artificially at the end of three months to every two foreign-born mothers. At the end of six months and nine months the ratio was still the same. Since the mortality among the artificially-fed babies was higher, the fact that a larger proportion of infants of native mothers was artificially fed may explain in part the relatively high death rate among the native. Comparison of monthly rates by kind of feeding for native and foreign-born groups indicates that the mortality among breast fed is approximately the same for the foreign-born as for the native group, but among the artificially fed the mortality is considerably lower for infants of native mothers than for infants of foreign-born mothers. This difference is obscured in the average rates for the groups by the relatively larger proportion of infants of native mothers that was artificially fed. Probably greater care exercised by native mothers in selection of good quality milk, preparation and modification of the milk in accordance with physicians' formulæ might account for much of the difference.

TABLE XV.—*Number and per cent distribution of infants born during selected year and surviving at end of third, sixth, and ninth month, by type of feeding during the month specified, according to nativity of mother.*

Type of feeding and nativity of mother.	Infants surviving at end of—					
	Third month.		Sixth month.		Ninth month.	
	Number.	Per cent distribution.	Number.	Per cent distribution.	Number.	Per cent distribution.
All mothers.....	1,134	100.0	1,117	100.0	1,105	100.0
Breast exclusively.....	749	66.0	554	49.6	388	33.3
Mixed.....	38	3.4	111	9.9	226	20.5
Artificial exclusively.....	347	30.6	452	40.5	511	46.2
Native mothers.....	559	100.0	553	100.0	546	100.0
Breast exclusively.....	337	60.3	239	43.2	145	26.6
Mixed.....	16	2.9	45	8.1	109	20.0
Artificial exclusively.....	206	36.9	269	48.6	292	53.5
Foreign-born mothers.....	575	100.0	564	100.0	559	100.0
Breast exclusively.....	412	71.7	315	55.9	223	39.9
Mixed.....	22	3.8	66	11.7	117	20.9
Artificial exclusively.....	141	24.5	183	32.4	219	39.2

**Feeding and father's earnings.**—The most interesting fact shown in Table XVI, giving the proportion artificially fed for each earnings group, is the relatively small proportion of artificially fed among the lowest group compared with the proportion in the highest group. The differences, however, were not very great, but their significance

is greater than might at first appear to be the case because of the fact that the death rate among the artificially fed was so much higher.

TABLE XVI.—*Infants born during selected year and surviving at end of third, sixth, and ninth months, and number and per cent artificially fed during specified month, according to earnings of father.*

Earnings of father.	Infants surviving at end of—								
	Third month.			Sixth month.			Ninth month.		
	Total.	Artificially fed.		Total.	Artificially fed.		Total.	Artificially fed.	
		Num-ber.	Per-cent.		Num-ber.	Per-cent.		Num-ber.	Per-cent.
All classes.....	1, 134	347	30.6	1, 117	452	40.5	1, 105	511	46.2
Under \$650.....	250	68	27.2	248	86	34.7	246	100	40.7
\$650 to \$1,049.....	652	205	31.4	627	263	41.8	628	296	47.1
\$1,050 and over.....	219	70	32.0	219	97	44.3	218	108	49.5
No earnings and not reported	13	4	30.8	13	6	46.2	13	7	53.8

**Feeding and mother's working status.**—The employment of mothers away from home probably bears a closer relation to the method of feeding than does nativity, custom, or economic status of the family. But in Brockton only 13 or 1.1 per cent of the 1,134 mothers whose babies survived to the age of three months, had begun to work away from home prior to that time, and of these, 8 were feeding their babies artificially. Even at the age of 9 months only 31 or 2.8 per cent of the 1,105 mothers whose babies had survived, had begun to work away from home previous to this period, and of this number, 23 gave their babies artificial food.

It is obvious that the number of mothers who went to work away from home during the baby's first year was so small that little importance can be attached to conclusions based on this group.

TABLE XVII.—*Infants born during selected year surviving at end of specified period and number and per cent artificially fed, according to working status of mother.*

Type of feeding at specified age.	Total infant survivors.	Mother not gainfully employed before specified time.	Mother gainfully employed before specified time.		Mother gainfully employed, but time of resumption not reported.	
			At home.	Away from home.	At home.	Away from home.
Infants living at end of three months.....	1, 134	958	158	13	4	1
Number artificially fed.....	347	291	47	8	1	.....
Per cent artificially fed.....	30.6	30.4	29.7	.....	.....	.....
Infants living at end of six months.....	1, 117	922	167	23	4	1
Number artificially fed.....	452	365	69	16	1	1
Per cent artificially fed.....	40.5	39.6	41.8	.....	.....	.....
Infants living at end of nine months.....	1, 105	894	175	31	4	1
Number artificially fed.....	511	403	83	23	1	1
Per cent artificially fed.....	46.2	45.1	47.4	.....	.....	.....

\* Not shown where base is less than 100.

## NATIONALITY.

In 1910 slightly more than one-fourth (15,425) of the entire population of Brockton and three-eighths of the population 20 years of age and over were foreign-born white, yet more than one-half the babies included in this study were the children of foreign-born mothers.

**Infant mortality rates by nationality.**—The infant mortality rate for the native group was 101.5 compared with 92.0 for children of foreign-born mothers, an unusual condition in New England manufacturing towns. This difference in favor of the foreign born, however, was more than offset by the fact that among these mothers stillbirths were twice as numerous as among native mothers.

TABLE XVIII.—*Births during selected year, infant deaths, infant mortality rate, and per cent of stillbirths, according to nationality of mother.*

Nationality of mother.	Total births.	Live births.	Infant deaths.	Infant mortality rate. <sup>a</sup>	Stillbirths.	
					Number	Percent of total births. <sup>a</sup>
All mothers.....	1,247	1,210	117	96.7	37	3.0
Native mothers.....	613	601	61	101.5	12	2.0
Foreign-born mothers.....	634	609	56	92.0	25	3.9
Lithuanian and Polish <sup>b</sup> .....	153	147	17	115.6	6	3.9
Italian.....	118	111	8	72.1	7	5.9
Irish.....	90	86	3	.....	4	.....
Swedish and Norwegian <sup>c</sup> .....	62	62	1	.....	.....	.....
Jewish.....	57	57	5	.....	.....	.....
English, Scotch, and Welsh <sup>d</sup> .....	33	30	5	.....	3	.....
French Canadian.....	22	21	3	.....	1	.....
Other Canadian.....	60	58	8	.....	2	.....
All other <sup>e</sup> .....	39	37	6	.....	2	.....

<sup>a</sup> Not shown where base is less than 100.

<sup>b</sup> Including 133 Lithuanian and 20 Polish.

<sup>c</sup> Including 60 Swedish and 2 Norwegian.

<sup>d</sup> Including 24 English, 6 Scotch, and 3 Welsh.

<sup>e</sup> Including 11 Syrian, 8 Greek, 4 Armenian, 4 German, 4 Russian, 2 Finnish, 2 French, 1 Portuguese, 1 Roumanian, 1 European Spanish, 1 American Spanish.

**Foreign nationalities.**—Of the 15,425 foreign-born white residents of Brockton in 1910, 6,862 came from English-speaking countries. The only other countries represented by more than 1,000 people were Russia with 3,178 and Sweden with 2,608. The different nationality groups have come to Brockton approximately in the following order:

English-speaking people.  
Swedes.  
French Canadians.  
Italians.  
Poles.  
Jews.  
Albanians and Greeks.  
Syrians and Armenians.



The tendency of foreigners to live in old and congested districts where they can obtain the lowest possible rents was not so marked in Brockton as in many other New England cities. The only foreign colony of any size was that of the Lithuanians, who lived near the outskirts of the city in the section known as Montello, where there was no possibility of lot congestion, although considerable crowding existed within the buildings themselves. The Lithuanians, together with the Italians, Jews, and southeastern Europeans, comprised what was known as the "foreign element" of Brockton; the Swedes have been in the city so long that they are practically assimilated, while the English-speaking foreign born become Americanized in a very short time and consider the Lithuanians "foreigners."

About one-half the foreign-born inhabitants of Brockton in 1910 were born in northwestern European countries. This fact has been offered as an explanation of the low infant mortality rate enjoyed by the foreign born of that city. But comparatively few of these northern Europeans were parents of children born in this decade; they were, rather, grandparents whose descendants are classified as children of native mothers. Approximately 30 per cent of the foreign-born mothers considered in this study were northern Europeans; while those born in southern and eastern Europe, being more recent immigrants and therefore younger, comprised about 54 per cent of the foreign-born mothers. This refutes, for the year selected at least, the above explanation of the low infant mortality rate for the foreign born.

*Lithuanians and Poles.*—In Montello the Lithuanians and Poles live side by side, the former being far the more numerous, and for this reason the average citizen calls them all "Lithuanians." For convenience, they have been considered as one group in this study, although it is recognized that the nationalities are quite distinct. The Poles have in some cases intermarried with the Lithuanians, and they seem generally to have adapted themselves to the customs of the Lithuanians among whom they live.

The births to Lithuanian and Polish mothers were more numerous than those of any other nationality group; the infant mortality rate for their babies was the highest for any one racial group excepting that for the British and for the Canadian groups. (See Table XVIII, p. 24.)

In 1910 the Lithuanians and Poles formed a negligible element of the population, but since that time they have come to Brockton in ever-increasing numbers. They have a compact colony and, with their churches, stores, and fraternal organizations, are socially self-sufficient. Because of their numbers and close association with one another they have had little necessity for learning English. The men as a rule have a fair working knowledge of the language

after being in this country several years, but most of the women are limited to the phrase, "No speak English." Of the 153 babies in this group, 64 had mothers who were able to read and write in English or in their own languages, while but 39 had mothers who could speak English.

The Lithuanian colony in Montello had become at the time of this inquiry perhaps the most congested as well as one of the most untidy parts of the city. The health department found that the number of infant deaths had been greatest there during the five years prior to 1913; as a result, one of the milk stations<sup>1</sup> was established there.

This section is a recent development of the city, hence most of the tenement blocks have been erected during the past decade and are in good repair. These buildings, generally of the three- or six-family type, are decidedly above the average in other cities for homes of workingmen whose incomes range from \$500 to \$1,000 a year. Although standards of cleanliness in this section were below the general level for the city and the best use was not made of the means of ventilation available, few fundamental housing defects were prevalent in this foreign quarter. The homes of 32 of the 153 babies of Lithuanian and Polish mothers were in a dirty condition when visited, while in 69 more cases the homes were but moderately clean. The most conspicuous object in the Lithuanian homes was the stove, which was brilliantly polished regardless of the general condition with respect to cleanliness.

*Italians.*—The inquiry embraces 118 babies of Italian mothers who were scattered over the city. This group had no colony, but, with the exception of wards 3 and 6, was quite evenly distributed through the different wards.<sup>2</sup> The incidence of death among the Italian babies was small, 72 out of 1,000 having died in infancy, but the stillbirth rate was relatively high.

The Italians generally lived in the oldest buildings in the city—often a dilapidated one-family house rearranged for two or three families, or in many cases a few rooms back of a small fruit or grocery store. They evidenced a decided tendency toward thrift, as indicated by the great efforts made to own their homes. Among the more ambitious Italians was one family in possession of a three-tenement house. This family lived on the third floor and rented the two lower floors, the mother explaining that they had only an equity in the house, but were trying to pay for it. The Italians are looked upon as older settlers than the Lithuanians and Poles; more of them can speak English and many of the second generation have been fairly well educated. Some of the large and prosperous stores of the city are operated by children of Italian parents.

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<sup>1</sup> See p. 49.

<sup>2</sup> General Table 5.

The Italians are most ambitious for the future of their children. They do not feel that "what was good enough for me is good enough for my children." One young Italian mother told of her plans for the college education of her four scrupulously neat little children. She had no doubt that this aim could be accomplished on her husband's earnings of \$1,000 a year if they saved until the children were old enough. An old man stated in broken English that all the Italians in the city were glad that the United States Government had come to Brockton to look out for the little babies; that an Italian's first duty was to care for his "bambinos" in every way in his power. It is true, however, that he did not know the best way of caring for them, inasmuch as he "always kept the windows shut tight for fear his grandchildren might catch cold." In nearly every instance they seemed willing, even eager, to learn the best methods of caring for their babies. An educational campaign on the care of babies would undoubtedly be very effective among the Italian mothers of Brockton.

*British and Canadians (except French Canadians).*—This group embraces 33 babies of English, Scotch, and Welsh mothers and 60 of English and Scotch Canadian mothers. By comparing the 90 Irish with the 93 in this group a curious result is obtained. But three deaths occurred among the Irish, compared with 13 deaths among the British and Canadian. This great difference is not susceptible of a ready explanation. Although, because of the small numbers in each case, no particular significance can be attached to this contrast in infant mortality rates, this tendency coincides with the fact that the Irish infant mortality rate, in general, is lower than the English.<sup>1</sup>

In this connection it is of interest to note the variations in type of feeding among the Irish on the one hand and the combined group of British and Canadian (except French Canadian) on the other.

TABLE XIX.—*Infants born to mothers of specified nativity and surviving at the end of the third, sixth, and ninth month of life, and number and per cent fed in specified way during the month specified.*

Month of life.	Irish mothers.					British and Canadian (except French Canadian) mothers.				
	Infant survivors.	Breast fed.		Artificially fed.		Infant survivors.	Breast fed.		Artificially fed.	
		Num-ber.	Per cent.	Num-ber.	Per cent.		Num-ber.	Per cent.	Num-ber.	Per cent.
Third.....	84	63	75.0	18	21.4	81	52	64.2	26	32.1
Sixth.....	84	52	61.9	22	26.2	77	37	48.1	33	42.9
Ninth.....	83	36	43.4	28	33.7	77	27	35.1	37	48.1

<sup>1</sup> In 1914 the infant mortality rate was 87 in Ireland and 106 in England and Wales. U. S. Bureau of the Census, Birth Statistics, 1915, p. 18. Washington, 1917.

The proportion of babies who received no food other than breast milk was always greater among the Irish; similarly, the proportion of babies who were artificially fed was greater among the British and Canadian group. This fact may suggest a partial explanation of the difference in infant mortality rates.

Living standards of the British and Irish families differed but little from American families having the same economic status. The homes visited were for the most part clean and the mothers seemed to be thrifty and ambitious.

*Scandinavians.*—The Scandinavian group studied is very small, consisting of 60 births to Swedish and 2 to Norwegian mothers. Only one death and no stillbirths occurred among their number.

The strength of the Swedish settlement in the section known as Campello, in the southern part of the city, is not represented accurately by these numbers, because so many of the families are Americans of Swedish extraction. Brockton owes much to its Swedish colony; they have established homes on a plane as high if not higher than that of the average American; they earn good wages in the shoe factories, and spend them wisely, obtaining apparently the best possible results therefrom; as a rule they own their homes and are thrifty, public-spirited citizens.

*Other nationality groups.*—Most of the Jewish mothers who had babies during the selected year lived in the western end of the fifth ward. All of their 57 babies were live-born, five of them dying in the first year, giving a mortality rate of 87.7.

Twenty-two infants of French Canadian mothers were included, one of them being a stillborn child. Three of the 21 live-born babies died during their first year.

Thirty-nine babies were born to mothers of various other nationalities; these groups were too small to be of any statistical significance.

#### LITERACY AND ABILITY TO SPEAK ENGLISH.

A mother familiar with the requirements of infant care is, next to a good endowment of physical health, a baby's greatest asset. It is unfortunately impossible to measure maternal intelligence directly, but an analysis of mortality according to literacy and ability of the mother to speak English is presented. If the mother is able to read and write in some language, or to speak and understand English, invaluable sources of information on the care of the infant are open to her that would otherwise be entirely closed.

The mortality was greater among babies of illiterate mothers in Brockton than among those of literate mothers. Since all but three of the infants whose mothers were illiterate had foreign-born mothers, it is somewhat fairer to confine the comparison to the foreign-born group only. The mortality rate was then 88.1 for the literate and 103.9 for the illiterate. The percentage of stillborn babies is about twice as high among the illiterate as among the literate group.

TABLE XX.—*Births during selected year to all mothers and to foreign-born mothers, infant deaths, infant mortality rate, and per cent of stillbirths, according to literacy of mother.*

Literacy of mother. <sup>a</sup>	Total births.	Live births.	Infant deaths.	Infant mortality rate.	Stillbirths.	
					Number.	Per cent of total births.
All mothers.....	1,247	1,210	117	96.7	37	3.0
Literate.....	1,079	1,052	100	95.1	27	2.5
Illiterate.....	167	157	17	106.3	10	6.0
Not reported.....	1	1				
Foreign-born mothers.....	634	609	56	92.0	25	3.9
Literate.....	469	454	40	88.1	15	3.2
Illiterate.....	164	154	16	103.9	10	6.1
Not reported.....	1	1				

<sup>a</sup> Mothers who can read and write in any language were reported literate; all others illiterate.

Thirteen per cent, or 167, of the 1,247 births were to illiterate mothers; of the 634 births to foreign-born mothers, 164, or 26 per cent, were to mothers who could not read and write. Only 3 births were to native illiterate mothers.

The distribution of births to foreign-born mothers according to the ability to speak English is shown in Table XXI; in addition, one native American mother was unable to speak English.

TABLE XXI.—*Births during selected year, infant deaths, infant mortality rate, and per cent of stillbirths, according to mother's ability to speak English.*

Ability of mother to speak English.	Total births.	Live births.	Infant deaths.	Infant mortality rate.	Stillbirths.	
					Number.	Per cent. of total births.
All mothers.....	1,247	1,210	117	96.7	37	3.0
Able to speak English.....	1,037	1,011	97	95.9	26	2.5
Unable to speak English <sup>a</sup> .....	210	199	20	100.5	11	5.2
Foreign-born mothers.....	634	609	56	92.0	25	3.9
English-speaking nationalities <sup>b</sup> .....	183	174	16	92.0	9	4.9
Non-English speaking nationalities.....	451	435	40	92.0	16	3.5
Able to speak English.....	242	237	21	88.6	5	2.1
Unable to speak English.....	209	198	19	96.0	11	5.3

<sup>a</sup> Includes one native mother.

<sup>b</sup> English, Irish, Scotch, Welsh, and Canadian (except French Canadian).

Of the 451 births to mothers of non-English speaking nationalities, 209 or 46.3 per cent were to mothers who could not speak English. These 209 births were 16.8 per cent of all births included in this study.

Raising the standard of literacy, then, may tend to reduce the infant mortality rate. Not that an illiterate mother is incapable of caring for her baby as she should; it is simply a question of being unable to avail herself of all the advantages which the literate mother enjoys;

for example, the leaflet on "Care of the Baby" which is sent by the board of health to every mother in the city immediately after her child's birth has been reported. When one realizes that the law requires every birth to be reported within 48 hours,<sup>1</sup> and a notice of all births to be sent daily by the clerk or registrar to the local board of health, it is easy to appreciate the great amount of good that may be accomplished by this pamphlet giving advice on the care of the baby.

In the same way, the mother's inability to speak or understand English sometimes deters her from attending lectures which might prove to be of untold advantage to her.

#### ECONOMIC FACTORS.

The family income plays a large part in determining a very young child's chance of life. A low income in an industrial city implies poor home sanitation, congestion, lack of adequate medical care, a restricted diet, and a mother who is overworked, either in the factory or at home. And to the combination of these circumstances, if not definitely to the separate factors, is to be ascribed the heavy mortality of babies born under such conditions.

**Father's earnings as an index of economic status.**—The earnings of the father constitute the best single index of the standard of living of the family, though in some respects not altogether satisfactory. In many cases mother's earnings can not be secured accurately on account of the difficulty of separating net from gross income. This is particularly true regarding income received from lodgers, the principal single source of mother's earnings in Brockton. Mother's earnings are sometimes secured at a cost of neglect that is out of proportion to the value of the added income. Income from other sources is so fluctuating and uncertain in its nature as to impair to a great extent the value of total family income as an index of the standard of living in the family. In view of these facts, father's earnings have been used as the best available index of the family standard.

The annual earnings shown were the amounts actually earned by the father during the year following the birth of the infant. On account of lack of employment or for other reasons the father may not have worked steadily. If the father had been unemployed for a period during the year, he was classed in the earnings group corresponding to the amount he had earned. These amounts, therefore, are not yearly rates of wages, since the periods of unemployment are not included. Rough estimates for the average amount of unemployment made by both employers and employees ranged from one to four months. The pay roll of one of the larger factories showed 46 weeks of fairly steady work during 1913, a figure repre-

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<sup>1</sup> Massachusetts Acts of 1912, chap. 280.

senting 11.5 per cent of unemployment, exclusive of slack time during the 46 weeks of work. In some cases other reasons beside unemployment shortened the period of actual work. In several instances the father was sick for two or three months; in a few others the father died or deserted during the baby's first year; in these cases he was classed in the earnings group corresponding to the amount he had actually received.

**Distribution of economic groups.**—In Brockton only 12.5 per cent of the babies born during the selected year had fathers earning less than \$550, while the corresponding proportion in Manchester, Saginaw, and New Bedford was 30.4, 17.9, and 37.7 per cent, respectively. The fathers of 954, or 76.5 per cent, earned \$650 and over, compared with 48.8 per cent in the same class in Manchester, 64.1 per cent in Saginaw, and 44.7 per cent in New Bedford. In Brockton 43.3 per cent earned \$850 and over, while 18.6 per cent earned \$1,050 and over during the year after the baby's birth.

In the lowest earnings group the foreign born were nearly three times as numerous as the native; the reverse was true in the highest group.

**Occupation of father.**—Of the 1,247 births included in this study, 688 or 55.2 per cent had fathers who were employed in the making of shoes, shoe parts, and shoe findings; of these 634 were classed as operatives, i. e., they had occupations peculiar to the shoe industry; and the fathers of the other 54 were employed by the shoe factories in other capacities such as officials, managers, clerks, machinists, electricians, firemen, etc. The distribution of births according to the occupation of the father in the various industries of the city is shown in detail in General Table 8.

TABLE XXII.—*Number and per cent distribution of births during selected year to mothers of specified nativity, according to earnings of father.*

Earnings of father.	All mothers.		Native mothers.		Foreign-born mothers.	
	Total births.	Per cent distribution.	Births.	Per cent distribution.	Births.	Per cent distribution.
All classes.....	1,247	100.0	613	100.0	634	100.0
Less than \$550.....	156	12.5	40	6.5	116	18.3
\$550 to \$649.....	122	9.8	51	8.3	71	11.2
\$650 to \$849.....	414	33.2	181	29.5	233	36.8
\$850 to \$1,049.....	308	24.7	160	26.1	148	23.3
\$1,050 to \$1,249.....	95	7.6	69	11.3	26	4.1
\$1,250 and over.....	137	11.0	103	16.8	34	5.4
No earnings and not reported.....	15	1.2	9	1.5	6	.9

**Infant mortality rates according to father's earnings.**—The infant mortality rate was highest (132.2) for the earnings group \$650 to \$849, and lowest for the group \$1,050 and over (65.5). Contrary to the findings for other cities, the mortality rates for the earnings

groups under \$550 and \$550 to \$649 were considerably lower than for the group \$650 to \$849. Two explanations for this peculiar showing may be advanced: First, the groups are comparatively small, and consequently may have been considerably influenced by exceptionally favorable conditions in the year selected; second, the earnings as reported in the lowest earnings group do not always reflect the family's standard of living. The relatively high percentage of stillbirths in the lowest earnings groups may be significant in connection with the low mortality rates.

TABLE XXIII.—*Births during selected year, infant deaths, infant mortality rate, and per cent of stillbirths, according to earnings of father.*

Earnings of father.	Total births.	Live births.	Infant deaths.	Infant mortality rate. <sup>a</sup>	Stillbirths.	
					Number.	Per cent of total births. <sup>a</sup>
All classes.....	1,247	1,210	117	96.7	37	3.0
Less than \$550.....	156	149	10	67.1	7	4.5
\$550 to \$649.....	122	116	10	86.2	6	4.9
\$650 to \$849.....	414	401	53	132.2	13	3.1
\$850 to \$1,049.....	308	301	25	83.1	7	2.3
\$1,050 and over.....	232	229	15	65.5	3	1.3
No earnings.....	6	5	1		1	
Not reported.....	9	9	3			

<sup>a</sup> Not shown where base is less than 100.

The general rate for Brockton, which is relatively low compared to the other cities presented in Table XXIV, may be attributed in part to the high wages prevailing in this city. In Manchester, Saginaw, and New Bedford the rates for babies of the lowest earnings group were from 3 to 5 times as great as for those in the highest earnings group; the infant mortality rates for all cities combined show a regular decline as the earnings increase. In the group studied in Brockton this tendency does not appear.

TABLE XXIV.—*Infant mortality rates for specified cities, according to earnings of father.*

Earnings of father.	All cities.	Brockton.	Manchester.	Saginaw.	New Bedford.
All classes.....	125.4	96.7	165.0	84.6	130.3
Under \$550.....	167.0	67.1	204.2	142.0	168.7
\$550 to \$649.....	127.7	86.2	174.5	103.4	115.8
\$650 to \$849.....	123.3	132.2	162.6	105.7	98.4
\$850 to \$1,049.....	101.4	83.1	125.0	44.6	134.7
\$1,050 and over.....	63.4	65.5	63.2	26.5	59.8

The rate for the selected year for the lowest earnings group appears, in comparison with previous years, to be exceptional. The mortality rate for previous births to the mothers in the group under \$550 would normally not vary much from the rate in the selected year, for conditions in the main in these families would not be materially different in preceding years. But the mortality among previous



births to mothers in this group was actually 151.3 or over twice the rate found for the selected year. The other rates, given in Table XXV, are also somewhat higher than for the year studied; for these groups the earnings in previous years may not have been as high as during the selected year which determined the earnings class, and consequently conditions surrounding the infants born in previous years may not have been so favorable.

TABLE XXV.—*Infants born previous to selected year to mothers included in study, infant deaths, and infant mortality rate, according to earnings of father during selected year.*

Earnings of father during selected year.	Live births.	Infant deaths.	Infant mortality rate. <sup>a</sup>
All classes.....	b 2,404	b 274	114.0
Under \$550.....	357	54	151.3
\$550 to \$649.....	247	25	101.2
\$650 to \$849.....	831	101	121.5
\$850 to \$1,049.....	531	60	94.2
\$1,050 and over.....	400	42	105.0
No earnings.....	25	1	.....
Not reported.....	13	1	.....

<sup>a</sup> Not shown where base is less than 100.

<sup>b</sup> The apparent discrepancy between the births and deaths shown in this table and the figures secured by subtracting the live births in the selected year and the deaths among them from the births and deaths reported by the mothers in the maternal history section is due to the omission from the latter of the record for 6 mothers. See section on maternal histories, p. 39.

Another point that might be mentioned in part explanation of the low rate in the lowest earnings group for the selected year, is the fact that a few fathers who earned comparatively little during the year were classed in this group because of the low actual earnings. Actually the family standard in some of these cases was considerably higher than the earnings would indicate. If the father deserted during the year, or died, or lived for part of the year on savings because of illness or incapacity to work, the family was put into the group corresponding to the amount that the father actually earned. In this group was also included one father who earned less than \$200, but who received enough from rents and other sources to place him in the highest group on the basis of family income. In fact, in 16 cases where the father earned less than \$450 the earnings were low on account of unusual circumstances rather than inefficiency of the father or chronic slack work or short time in industry. These unusual cases would occur principally in the lowest group.

The analysis by type of feeding, as given in Table XVI, p. 23 shows that a somewhat smaller proportion of infants in the lowest earnings groups were artificially fed than in the higher earnings groups. This fact may account in part for the low rate in this group.

**No-earnings group.**—A few instances were found where the fathers earned or contributed nothing to the support of the family. In one case the father was separated from his wife; another deserted before

the baby was born; the others did not work at all during the year after the baby's birth on account of illness or injury. These were classed in a separate group because of the various sources from which the families drew their incomes. The mother who separated from her husband went to work to support herself and baby; her two older children were cared for by relatives. The deserted mother was obliged to send three of her children to the State Home and the grandmother supported her and the baby. The family of one man who was afflicted with tuberculosis lived on savings, which can not properly be classed as earnings or income. This family was also given some relief by the city.

**Conditions favorable to low mortality rate.**—A classification of the 1,247 births according to a combination of favorable conditions is shown in Table XXVI. Class I is a "baby aristocracy," to be a member of which one must meet five prerequisites. These prerequisites represent conditions generally supposed to be favorable. Only those babies were put in Class I who met all the following conditions:

1. The father must have earned \$850 or more during the year after the birth.
2. The mother must not have been gainfully employed either during the year before or the year after the baby's birth.
3. The attendant at birth must have been a physician.
4. Both parents must be literate.
5. Housing conditions must meet the following standard:
  - (a) Good means of ventilation must have been provided and good use must have been made of these means.
  - (b) The house must have been clean at the time of the agent's visit.
  - (c) The family must have had exclusive use of a water closet located within the home.
  - (d) City water must have been available within the home.
  - (e) The home must have housed less than one person to a room.

Of the 1,247 births during the selected year, 208 met all the prerequisites and of that number 205 were live-born.

TABLE XXVI.—*Births during selected year, infant deaths, infant mortality rate, and per cent of stillbirths, according to specified class.*

Class.	Total.	Live births.	Infant deaths.	Infant mortality rate.	Stillbirths.	
					Number.	Per cent of total births.
All classes.....	1,247	1,210	117	96.7	37	3.0
Class I.....	208	205	15	73.2	3	1.4
Class II.....	1,039	1,005	112	111.4	34	3.3

The benefits of a fairly good income with its concomitants are more clearly demonstrated in this table than in Table XXIII. In other words, 73 out of every 1,000 babies died if their fathers earned fair amounts, if their mothers remained at home, if they had at least fair care at birth, and lived in good homes; while among those babies who failed to meet one or more of these requirements, 111 of every 1,000 died.

**Supplementary sources of income.**—Of the 1,247 births included in this study, the families of 856 or more than two-thirds of the whole number subsisted on father's earnings alone; 389 received in addition to this amount earnings of mother or other income or both; two had no income whatever. The mothers of 244 of these 389 babies were gainfully employed; for the rest the father's earnings were supplemented from other sources, usually children's earnings, rents, and, in rare instances, interest on money invested.

The percentage of families who lived on father's wages alone varied directly with the amount of earnings. When the father earned less than \$550 only 56 per cent of the families lived on these earnings only; the proportion increased until, when the father earned \$1,250 and over, four-fifths were found to be subsisting on father's wages as a sole source of income. The distribution of births in families having supplementary sources of income according to the amount of father's earnings is shown in General Table 9.

**Size of family and father's earnings.**—In considering the effect of income upon the infant mortality rate, the size of the family is of prime importance. With a given income a large family is obviously much less comfortable than a small family.

The number of persons in the family according to father's earnings is given in General Table 10. This number is exclusive of the scheduled baby. The lowest earnings group contained the largest proportion of live births in families with six or more members (19.5 per cent); the proportion decreased to a minimum of 11.3 per cent in the group \$850 to \$1,049; in the group where the father earned \$1,250 and over it increased slightly to 14.7 per cent. In case of many of the relatively larger families, the father's earnings were often supplemented by the earnings of the mother or of the other children.

**Father's earnings and employment of mother.**—The proportion of mothers gainfully employed the year after childbirth declines progressively as father's earnings increase. One mother out of every five worked for wages or kept lodgers; but when the father earned less than \$550 proportionately more than four times as many mothers were employed as when the father received \$1,050 and over. In other words, the amount the father earned was a factor in determining whether or not the mother should go to work.

TABLE XXVII.—*Births during selected year and number and per cent of births to mothers gainfully employed during year following birth of infant, according to earnings of father.*

Earnings of father.	Total births.	Births to mothers gainfully employed.	
		Number.	Per cent.
All classes.....	1,247	244	19.6
Less than \$550.....	156	53	34.0
\$550 to \$649.....	122	29	23.8
\$650 to \$849.....	414	86	20.8
\$850 to \$1,049.....	308	56	18.2
\$1,050 and over.....	232	18	7.8
No earnings and not reported.....	15	2	13.3

Even in the very lowest earnings group slightly more than one-third of the births during the selected year were to mothers who worked during the year following the birth of the baby; this proportion gradually decreased to 7.8 per cent when the father earned \$1,050 and over. Of the 278 births to mothers whose husbands were paid less than \$650 during the year, 82 or 29.5 per cent were to mothers having gainful occupations; 16.8 per cent were to mothers gainfully employed when the father earned more than this amount. This latter percentage (16.8) is lower than the percentage of mothers gainfully employed for all the earnings groups together. Less than one-seventh of the births were to mothers gainfully employed in the families where the fathers earned \$850 and over.

**Mother's earnings.**—More than one-half the mothers gainfully employed during the year following the baby's birth earned less than \$150 during this period. This amount was low for two reasons: The majority of these mothers kept one or two lodgers; those who were industrially employed worked only part of the year. In these circumstances one would not expect large earnings. In only nine instances did the mothers earn \$550 and over. The percentage of births in the different mother's earnings groups is shown for native and foreign-born mothers;<sup>1</sup> a relatively larger proportion of the births to foreign-born working mothers was in the lowest group.

**Employment of mother during year preceding birth of baby.**—Employment of the mother during some part of the year before confinement is shown in Table XXVIII. More mothers worked the year before than the year after confinement, the ratio being 128 to 100. Compared with mothers employed in the year after confinement fewer mothers were gainfully employed at home, but nearly four times as many were engaged in occupations which took them away from home.

<sup>1</sup> General Table 7.

The infant mortality rate for children of mothers who did housework only—that is, were not gainfully employed—the year before confinement was 100.4, while the children of mothers who were gainfully employed died at the rate of 85.5; the same tendency is shown for native and foreign-born as well as for all mothers. The mortality rates were about equal in the groups where the mothers worked at home (84.4) and away from home (86.7). Mothers who were gainfully employed the year before confinement and those who were not had proportionately the same number of stillbirths.

TABLE XXVIII.—*Births during selected year, infant deaths, infant mortality rate, and per cent of stillbirths, according to employment of mother during year before birth of infant and nativity of mother.*

Employment of mother during year before birth of infant and nativity of mother.	Total births.	Live births.	Infant deaths.	Infant mortality rate. <sup>a</sup>	Stillbirths.	
					Number.	Per cent of total births. <sup>a</sup>
All mothers.....	1,247	1,210	117	96.7	37	3.0
Not gainfully employed.....	934	906	91	100.4	28	3.0
Gainfully employed.....	313	304	26	85.5	9	2.9
At home.....	161	154	13	84.4	7	4.3
Away from home.....	152	150	13	86.7	2	1.3
Native mothers.....	613	601	61	101.5	12	2.0
Not gainfully employed.....	475	466	48	103.0	9	1.9
Gainfully employed.....	138	135	13	96.3	3	2.2
At home.....	47	45	5	.....	2	.....
Away from home.....	91	90	8	.....	1	.....
Foreign-born mothers.....	634	609	56	92.0	25	3.9
Not gainfully employed.....	459	440	43	97.7	19	4.1
Gainfully employed.....	175	169	13	76.9	6	3.4
At home.....	114	109	8	73.4	5	4.4
Away from home.....	61	60	5	.....	1	.....

<sup>a</sup> Not shown where base is less than 100.

In all cities except Brockton the lowest infant mortality rate is shown for babies of those mothers who were not gainfully employed the year before confinement; mothers doing gainful work at home lost their babies at a somewhat greater rate. (See Table XXIX.) The highest rate of all, however, is for the babies whose mothers worked outside the home, usually in industrial occupations. In Brockton, the babies of mothers who worked in any capacity during the year before confinement appear to have the advantage over babies whose mothers were not employed.

It must be remembered, however, that mothers not "gainfully employed" often do as hard physical labor at housework as that performed by the gainfully employed, whether at home or away from home. Not so much difference, therefore, actually exists between these groups, as might be inferred from the comparison.

TABLE XXIX.—*Infant mortality rates for specified cities, according to employment of mother during year before birth of infant.*

Employment of mother during year before birth of infant.	All cities.	Brockton.	Manchester.	Saginaw.	New Bedford.
All mothers.....	125.4	96.7	165.0	84.6	130.3
Not gainfully employed.....	105.5	100.4	133.9	78.3	108.8
Gainfully employed.....	158.4	85.5	199.2	132.7	154.5
At home.....	121.5	84.4	149.8	(a)	121.8
Away from home.....	179.1	86.7	237.5	(a)	167.8

a Not shown where base is less than 100.

**Interval between cessation of work and confinement.**—An analysis of the 150 live-born babies whose mothers worked outside the home during the year before the baby's birth shows that two-fifths worked less than half the year. The mothers who ceased this work six months or more before the baby's birth lost fewer babies proportionately than did those who worked later.

TABLE XXX.—*Live births to mothers gainfully employed away from home during year before birth of infant, infant deaths, and infant mortality rate, according to length of interval between mother's ceasing work and confinement.*

Interval between mother's ceasing work and confinement.	Live births.	Infant deaths.	Infant mortality rate.
All mothers.....	150	13	86.7
Less than 6 months.....	88	10	113.6
Six months and over.....	62	3	48.4

**Employment of mother during year following birth of baby.**—Two hundred and thirty-seven live-born babies, or 19.6 per cent of the entire number included in the study, had mothers who were gainfully employed during some part of the year following the birth of the baby; three-fourths of these had mothers who kept lodgers and almost 60 per cent of this number had but one lodger. The mothers of 42 live-born babies were employed outside the home; 9 of these had mothers who went to work after the baby died. Only 33, then, had mothers who took up industrial occupations during the lifetime of their babies and 2 of these babies died. The mothers of only 13 went out to work before their babies were 3 months old; hence, 99 per cent of the Brockton babies were cared for by their mothers during the most critical period of infancy. Obviously, the question of mother's employment during the year after the baby's birth was of slight importance in Brockton.

TABLE XXXI.—*Live births during selected year, infant deaths, and infant mortality rate, according to working status of mother during year following birth of infant.*

Working status of mother during year following birth of infant.	Live births.	Infant deaths.	Infant mortality rate. <sup>c</sup>
All mothers.....	1,210	117	96.7
No gainful work.....	973	91	93.5
Gainful work.....	237	26	109.7
Resumed after infant's death.....	14	14	.....
Resumed during infant's life.....	223	12	(b)
Work at home.....	195	15	76.9
Resumed after infant's death.....	5	5	.....
Resumed during infant's life.....	190	10	(b)
Work away from home.....	42	11	.....
Resumed after infant's death.....	9	9	.....
Resumed during infant's life.....	33	2	(b)

<sup>c</sup> Not shown where base is less than 100.

<sup>b</sup> A rate for this group is not computed, as it would not be comparable with the other rates shown. The infants in this group are obviously at risk only for that part of the year after the commencement of the employment of the mother.

The effect of a mother's gainful employment upon her child's chance of survival does not readily lend itself to statistical measurement. One may concede that an industrial occupation which takes the mother away from her home and precludes the possibility of her nursing her baby at regular intervals can not be considered as a factor other than detrimental to the well-being of a young child. The number of mothers pursuing such occupations in Brockton was so very small that no conclusions may be drawn from the data here presented.

#### MATERNAL HISTORIES.

The mothers visited in the course of this study gave information not only as to the children born between November 1, 1912, and October 31, 1913, but also with reference to all former pregnancies. Data derived from these maternal histories on infant mortality rates by nationality and by age and order of birth are presented to supplement and corroborate the findings of the study of the scheduled infants. Though the information was derived from the mother's statement only, and therefore may not be so reliable or so complete as when checked by official records, yet the larger number of births considered makes it possible to base the conclusions on a larger body of evidence.

Inasmuch as 10 mothers gave birth to twins, the 1,247 babies had 1,237 mothers. The records of six mothers were excluded from the tabulation because their statements were considered incomplete. Information, then, is presented for 1,231 mothers who had given birth to an aggregate of 3,703 children, of whom 95 or 2.6 per cent were stillborn. Of the 3,608 live born, 389 died in their first year.

**Infant mortality rate.**—The infant mortality rate for all children of the mothers considered was 107.8, a rate somewhat higher than that found among babies born in the year selected. This infant mortality rate can not be considered an index typical of conditions in Brockton, since many of the babies included in the maternal history study were born before their parents moved to Brockton and only a small proportion of all the babies born in the city during a period of years was included.

**Miscarriages.**—In addition to the live births and stillbirths mentioned above, these mothers had had 206 miscarriages; these data are not used in other tabulations. The information in regard to miscarriages is presented for whatever interest it may have, although it is considered to be more or less unreliable, because some mothers were reluctant about giving this information and others forgot. Foreign-born mothers reported 107 miscarriages and native mothers 99. Five women reported having had more than 3 miscarriages; of these two foreign-born mothers had had 6 and 7, respectively, while three native mothers reported 4, 5, and 6, respectively.

**Nativity of mother.**—The infant mortality rate for all babies of foreign-born mothers was slightly lower than that for all babies of native mothers. The rate for babies born to foreign-born mothers during the selected year was likewise low, compared with that of the native group. (See Table XVIII, p. 24.)

TABLE XXXII.—*Total mothers, and births from all pregnancies, infant deaths, infant mortality rate, and per cent of stillbirths, according to nationality of mother.*

Nationality of mother.	Total mothers.	Total births.	Live births.	Infant deaths.	Infant mortality rate. <sup>a</sup>	Stillbirths.	
						Number.	Per cent of total births. <sup>c</sup>
All mothers.....	1,231	3,703	3,608	389	107.8	95	2.6
Native mothers.....	605	1,699	1,661	182	109.6	38	2.2
Foreign-born mothers.....	626	2,004	1,947	207	106.3	57	2.8
Lithuanian and Polish <sup>b</sup> .....	150	429	418	62	148.3	11	2.6
Italian.....	114	435	415	46	110.8	20	4.6
Irish.....	90	303	298	23	77.7	7	2.3
Swedish and Norwegian <sup>c</sup> .....	62	180	180	9	50.0	.....	.....
Jewish.....	56	157	154	13	84.4	3	1.9
English, Scotch, and Welsh <sup>d</sup> .....	33	122	118	14	118.6	4	3.3
French Canadian.....	22	91	90	10	.....	1	.....
Other Canadian.....	60	174	165	17	103.0	9	5.2
All other <sup>e</sup> .....	39	113	111	13	117.1	2	1.8

<sup>a</sup> Not shown where base is less than 100.

<sup>b</sup> Including 133 Lithuanian and 20 Polish.

<sup>c</sup> Including 60 Swedish and 2 Norwegian.

<sup>d</sup> Including 24 English, 6 Scotch, and 3 Welsh.

<sup>e</sup> Including 11 Syrian, 8 Greek, 4 Armenian, 4 German, 4 Russian, 2 Finnish, 2 French, 1 Portuguese, 1 Roumanian, 1 European Spanish, 1 American Spanish.

Curiously enough, all the babies born to Lithuanian and Polish, Italian, Irish, and Swedish and Norwegian mothers included in the study died at a much higher rate than did those born in the selected year. On the other hand, the incidence of death among all babies born to mothers of the British and Canadian groups, other than



French Canadian, was much smaller than among those born in the year chosen.

**Deaths in early infancy.**—The 1,231 mothers considered in the maternal history study had lost 389 live-born infants; of these 128, or 32.9 per cent, died before they had attained the age of 2 weeks. This high percentage of early deaths among all babies indicates that the still higher proportion of deaths (35.9 per cent) in the first two weeks among babies born in the selected year was not peculiar to the year chosen.

**Plural births.**—The mortality among twins and triplets is much greater than among single births. Although the number of plural births to the 1,231 Brockton mothers is small, a comparison of the infant mortality rates for both classes of births is of interest. Of the 3,608 live births to these mothers, 63 were plural births; of the latter, 31 died in infancy, giving an infant mortality rate of 492.1, in striking contrast to the rate (101) for single births.

TABLE XXXIII.—*Single and plural births resulting from all pregnancies, infant deaths, infant mortality rate, and per cent of stillbirths.*

Single and plural births.	Total births.	Live births.	Infant deaths.	Infant mortality rate.	Stillbirths.	
					Number.	Per cent of total births.
All births.....	3,703	3,608	389	107.8	95	2.6
Single births.....	3,639	3,545	358	101.0	94	2.6
Plural births.....	64	63	31	492.1	1	1.6

**Order of pregnancy.**—An analysis of the 3,703 births according to the order of pregnancy is shown in Table XXXIV. Although by no means regular in its rise from one pregnancy to the next, the infant mortality rates show a tendency to increase with the number of the pregnancy. The general trend was not very different, however, from that shown in Table XII (see p. 20), based on births in the selected year.

TABLE XXXIV.—*Births from all pregnancies, infant deaths, infant mortality rate, and per cent of stillbirths, according to number in order <sup>a</sup> of pregnancy.*

Order <sup>a</sup> of pregnancy.	Total births.	Live births.	Infant deaths.	Infant mortality rate.	Stillbirths.	
					Number.	Per cent of total births.
All pregnancies.....	3,703	3,608	389	107.8	95	2.6
Pregnancies:						
First.....	1,241	1,211	126	104.0	30	2.4
Second.....	824	804	76	94.5	20	2.4
Third.....	561	541	62	114.6	20	3.6
Fourth.....	378	367	43	117.2	11	2.9
Fifth.....	252	248	29	116.9	4	1.6
Sixth.....	173	169	16	94.7	4	2.3
Seventh.....	116	114	16	140.4	2	1.7
Eighth and over.....	158	154	21	136.4	4	2.5

<sup>a</sup> Excluding miscarriages.

**Age of mother.**—The analysis by age of mother of all births included in the maternal history study is presented in Table XXXV. The general tendency for the rate to decrease as the age of the mother increased was the same as that shown in Table X for infants in the selected year. The rate for infants of mothers under 20 was the highest, 145. The percentage of stillbirths on the other hand was highest for mothers 30 and over, a tendency also shown in rates for the selected year.

TABLE XXXV.—*Births from all pregnancies, infant deaths, infant mortality rates, and per cent of stillbirths, according to age of mother.*

Age of mother.	Total births.	Live births.	Infant deaths.	Infant mortality rate. <sup>a</sup>	Stillbirths.	
					Number.	Per cent of total births. <sup>a</sup>
All mothers .....	3,703	3,608	389	107.8	95	2.6
Under 20 .....	268	262	38	145.0	6	2.2
20 to 24 .....	1,206	1,181	133	112.6	25	2.1
25 to 29 .....	1,135	1,114	109	97.8	21	1.9
30 to 34 .....	677	658	72	109.4	19	2.8
35 to 39 .....	332	312	30	96.2	20	6.0
40 and over .....	79	76	6	.....	3	.....
Not reported .....	6	5	1	.....	1	.....

<sup>a</sup> Not shown where base is less than 100.

**Infant mortality rates by number of births to mother.**—Infant mortality rates according to the number of births to the mother are presented in Table XXXVI. The rate was much higher where the mother had had many births than where she had had but few. The rate for infants of mothers reporting 4 births or less was 89.7; while the rate where the mother had 5 or more births was 128.3.

TABLE XXXVI.—*Live births from all pregnancies, infant deaths, and infant mortality rate, according to the number of births to mother.*

Births to mother.	Live births.	Infant deaths.	Infant mortality rate.
Total .....	3,608	389	107.8
1 to 4 births .....	1,917	172	89.7
5 births and over .....	1,691	217	128.3

#### WARD DISTRIBUTION.

The wards of Brockton radiate from the central part of the city like the spokes of a wheel; each ward has a congested region near the center of the city generally given over to business, a residential district in which the population is evenly distributed, and a large stretch of farm land. In regard to housing and sanitation, each ward contained examples of the best conditions, the worst conditions, and all intermediate stages. Little or no homogeneity existed in the nationality

or income of the residents of any one ward, ward boundaries being of political significance only. The differences in mortality rates in the various wards of the city are shown in Table XXXVII.

TABLE XXXVII.—*Births during selected year, infant deaths, infant mortality rate, and per cent of stillbirths, by ward of residence.*

Ward of residence.	Total births.	Live births.	Infant deaths.	Infant mortality rate.	Stillbirths.	
					Number.	Per cent of total births.
The city.....	1,247	1,210	117	96.7	37	3.0
Ward:						
1.....	128	127	9	70.9	1	.8
2.....	126	124	12	96.8	2	1.6
3.....	149	146	14	95.9	3	2.0
4.....	156	147	12	81.6	9	5.8
5.....	226	220	25	113.6	6	2.7
6.....	300	289	28	96.9	11	3.7
7.....	162	157	17	108.3	5	3.1

The first ward had an infant mortality rate of 70.9, the lowest in any ward in the city. It also had the lowest stillbirth rate. Two-thirds of this ward was a farming district dotted with old-fashioned, unimproved cottages. This portion had no paved streets, no sewerage system; in fact, it possessed all the advantages and disadvantages of a country district. The western part of the ward, farthest from the center of the city, was largely given over to one-family houses of the attractive semibungalow type, of frame or concrete construction, with well-kept lawns and gardens. Houses for two or more families were marked exceptions. Most of the finest homes in Brockton were located on West Elm Street, which runs through the center of this ward. Streets were well shaded and presented a most attractive appearance.

Main Street with its crowded business district formed the extreme eastern end of the first ward. Some of the worst housing conditions to be found in Brockton were in this immediate vicinity. Four babies were born during the year selected in Alton Court, an unpaved, insanitary alley inhabited by Italians. One of these babies died. Since the time of this inquiry conditions in this alley have been improved to some extent.

The other wards bore a close resemblance to the first; the second was the only one having no rural area. In no ward except the first, however, was the one-family house the prevailing type. The section known as Campello, comprising parts of the third and fourth wards, was originally the home of the Swedes and is now inhabited by the natives of Swedish descent. Throughout Campello the well-kept homes and yards bore witness to the thrift of the Swedish people. Most of these people were skilled shoe operatives who owned their homes.

The homes in this section presented a striking contrast to those found along the boundaries of the fourth and fifth wards in the vicinity of the gas house, where the homes were not so well kept up and boasted in many cases of a heterogeneous collection of outhouses in a more or less advanced stage of decay. Chickens were kept in many instances, and the henhouses did not always comply with the regulations of the health department which required them to be placed at least 25 feet away from a dwelling. Smoke and odors from the gas house and near-by shoe factories made this region somewhat unattractive. Paved streets and sidewalks were almost unknown and dirty yards were characteristic. Even in cases where fairly clean and up-to-date houses were found, many of the yards appeared to be filled with the accumulated rubbish of years.

The western end of the fifth ward was the home of the Jews, Italians, Greeks, and Syrians. Here were found the oldest and dingiest tenement houses of the city, and as the mothers and children were so often out on the sidewalks sunning themselves, the streets had the appearance of the typical foreign quarter of a large city. The yards were small and full of rocks and rubbish, while green grass was almost unknown in the neighborhood. The infant mortality rate for this ward was the highest in the city, being 113.6.

The northern part of the sixth and seventh wards, known as Montello, differed from other parts of the city in that no such great disparity of social and economic status existed among its residents. The Lithuanians had a compact colony in Montello, which was distinctly different from the rest of the city.

The number of deaths in each ward, according to the certified cause of death, is presented in General Table 4. The deaths were few and more or less evenly distributed. The fifth and sixth wards in which housing conditions were relatively poor showed the greatest number of deaths from respiratory diseases.

#### HOUSING.

Brockton styles itself the "city of workers and winners." Judging from the general appearance of the town, this phrase seemed decidedly appropriate. Although one or two congested alleys and a few isolated cases of dilapidated dwellings were to be found, Brockton had no acute housing problem. Nor had it, according to the British Board of Trade report, "to contend with any evil legacy in the shape of large blocks of dwellings, built according to the loose standards of bygone days, such as characterize other and larger cities."<sup>1</sup> This condition was no doubt partly due to the recent development of the city, although the high standard of intelligence demanded of the shoe operatives, together with the fairly high wages they received,

<sup>1</sup> Living conditions of the wage-earning population in certain cities of Massachusetts, p. 268. Boston, 1911.

was a potent factor in maintaining this housing standard. The city has few or no housing laws except for fire protection.

The dwellings of Brockton were almost invariably frame. Among the well-to-do, a family generally had the exclusive use of an entire house and often a lawn and gardens. Among the working people, however—the shoe operatives and small tradesmen—although the “cottage” or one-family house was by no means uncommon, the two-tenement, three-tenement, and even six-tenement “blocks” were far more numerous.

The distribution of the 1,247 births considered in the detailed study according to the number of families in the building appears in Table XXXVIII.

TABLE XXXVIII.—*Number and per cent distribution of births during selected year, according to number of families in building.*

Families in building.	Births during selected year.	
	Number.	Per cent distribution.
All families .....	1,247	100.0
Families to building:		
1 .....	249	20.0
2 .....	452	36.2
3 .....	376	30.2
4 .....	30	2.4
5 .....	10	.8
6 .....	101	8.1
7 and over .....	26	2.1
Not reported .....	3	.2

The older type was a two-story house with gabled roof and attic which was originally intended for the use of a single family. In some cases it was rented to two families who shared the attic as a storeroom; in others the attic was occupied by a third family. This sort of building was invariably attractive in appearance, inasmuch as it lent itself to a variety of design. The casual observer would have taken it for the home of a well-to-do business man rather than a house for two or three families. On the other hand, one would not for a moment have mistaken the new three-tenement houses; they were built on square lines with three separate porches, both front and rear. This was the most common type of residential building being constructed at that time for the workers of Brockton, and, in fact, throughout other New England manufacturing towns. The general criticism of these buildings is that the fire hazard is great.

The Lithuanians and Poles had until recently shown but little tendency toward the acquisition of real estate. One reason for this was that practically all the homes in their community were three- or

six-family tenement houses which probably would have cost altogether too much and could not have been paid for by even the most prosperous in many years. The prospect was too discouraging.

The New American Association, an organization formed for the purpose of 'Americanizing' foreigners in Brockton, interested a real estate firm in building seven one-family cottages in the Lithuanian section, and they were all sold to families of this nationality before the foundations were laid. After this encouragement the association decided to make plans for the building of many homes of this type. Under ordinary circumstances the moderately prosperous Lithuanian would be able to pay for such a home in about 10 or 12 years.

Among most of the foreign-born families and many of the native both living room and dining room had a particularly uninhabited appearance, while the kitchen represented every phase of the family's activities. The rooms of each flat were compactly grouped about the kitchen to facilitate heating. In the lower-priced tenements such an arrangement was essential because of the fact that all the rooms were heated from the kitchen range.

The distribution of births included in the detailed study according to the amount of rent paid and the ownership of the home appears in Table XXXIX.

TABLE XXXIX.—*Number and per cent distribution of births during selected year, according to tenure and rental of home.*

Tenure and rental of home.	Births during selected year.	
	Number.	Per cent distribution.
All classes.....	1,247	100.0
Home owned.....	224	18.0
Home not owned.....	1,023	82.0
Monthly rental:		
Less than \$10.00.....	142	11.4
\$10.00 to \$12.49.....	307	24.6
\$12.50 to \$14.99.....	172	13.8
\$15.00 to \$17.49.....	204	16.4
\$17.50 and over.....	136	10.9
Free.....	9	.7
Not reported.....	20	1.6
Boarding.....	33	2.6

Eighteen per cent of the births occurred in families owning their homes; 65.7 per cent in families paying \$10 or more rent per month; and 27.3 per cent in families paying \$15 or more rent per month. Since fairly good flats of four rooms could be obtained for \$10 a month and \$15 paid for a flat with all modern conveniences, it is apparent that the majority of Brockton's babies born in the selected year were comfortably housed.

Of the 1,210 live-born babies included in this study, 1,083 lived in homes of more than three rooms and 677 in homes of more than four

rooms. The number of persons living in dwellings having a specified number of rooms is shown in detail in General Table 11. These data are assembled in Table XL and infant mortality rates are given for babies who lived under varying conditions as regards congestion.

TABLE XL.—*Live births during selected year, infant deaths, infant mortality rate, according to average number of persons per room.*

Persons <sup>a</sup> per room.	Live births.	Infant deaths.	Infant mortality rate. <sup>b</sup>
Total.....	1,210	117	96.7
Less than 1.....	705	61	86.5
1 but less than 2.....	473	52	110.2
2 but less than 3.....	32	4	.....
Not reported.....	1	.....	.....

<sup>a</sup> Excluding infant born during selected year.

<sup>b</sup> Not shown where base is less than 100.

The greatest mortality occurred among babies who lived in the most congested homes. Overcrowding is an evil so closely allied with poverty, ignorance, and dirt that it is difficult to obtain an absolute measure of its importance. Nevertheless it may be conceded that the baby brought up in a home in which the number of rooms is equal to or greater than the number of persons has a decided advantage over one living under conditions of greater congestion.

More than half the homes, or 59 per cent, were rated as "clean," while but 12 per cent were reported "dirty"; city water was available in all but 10 homes; and in only six instances did the mother have to carry water in from outdoors. In short, the percentage of families living under favorable conditions was large. Every home visited had the advantage of some modern conveniences; and in 41 per cent all the following conditions were reported: Clean rooms, good means of ventilation, city water in the home, exclusive use of a toilet located within the dwelling, and sewer-connected sink and toilet.

Throughout the thickly settled sections, tenements were generally provided with toilets within the home, 81 per cent of the homes visited being so equipped. In this connection it may be noted that the 185 yard privies, as well as the houses lacking city water and sewer connection, were found mostly in the rural area included within the city limits.

Although means of ventilating the toilet were commonly provided, one six-family house was found where the bathrooms were without windows and had no light or ventilation except indirectly through the kitchen. The tenants complained of the difficulty of keeping the toilet clean and aired under such conditions. A serious housing defect was found in a few instances in the Lithuanian quarter, where the back door of a few apartments opened directly into the toilet, which in turn served as a hall leading to the kitchen. The disad-

vantages of such an arrangement are obvious. Eight toilets were found on porches and 36 were located in cellars. The latter were objectionable from two standpoints: First, because they were invariably poorly ventilated and often damp; second, because the families had to descend one, two, or even three flights of stairs in order to reach them.

Fifty-nine of the families visited had to share the toilet with one or more other families. Where such a division of responsibility existed, the difficulty of keeping the toilet clean was greatly increased, because, as one mother expressed it, "What is everybody's business, is nobody's business." This sentiment applied with equal force to the halls and stairways of the six-family tenements, which were usually found to be very dirty, although often the rooms within might be immaculately clean.

Ample means for light and ventilation were found, as there was no lot congestion in the city; there were many vacant lots, few rear houses, and few, if any, basement tenements.

The typical Brockton lot was 60 by 120 feet. Inasmuch as the usual three-tenement house had a frontage of about 25 feet and a depth of about 40 feet, it can readily be seen that a very large proportion of the lot remained uncovered. Fifty-two alley and rear houses were found and conditions in and about these houses did not come up to the general standard established throughout the city; but in no case did the occupants suffer from lack of light and air because of overcrowding on lots.

In general, for an industrial city, Brockton's housing accommodations were exceptionally good. The dwellings were almost uniformly in good repair, sanitary and other conveniences might be secured at a fairly low rental, and neither lot congestion nor congestion within the tenement existed to any extent; in the homes visited, not a single dark room was found. Where dirt and insanitary conditions existed, they could usually be traced to the family rather than to any lack of public sanitation facilities. The citizens have aimed high in regard to housing, and they have largely succeeded in maintaining a standard of comfortable homes for workingmen's families.

### SOCIAL AGENCIES.

The board of health is the most active agency in Brockton in reducing infant mortality. It is composed of three members, one an executive officer giving full time to the work and the other two physicians who work part time.

Each birth occurring within the city limits must be reported to this board within 24 hours. Immediately after this notice has been received, the health department sends the mother a pamphlet "issued for the purpose of lowering the infant mortality, and to give infor-



mation as to the proper care of milk in the home." This is printed in both English and Lithuanian. The law requires all cases of ophthalmia neonatorum to be reported to the health department. Such cases were visited by the tuberculosis nurse who was in the employ of the department. Between May 19 and December 31, 1913, she made 207 calls to 16 babies who were referred to her by midwives and doctors as ophthalmia neonatorum cases. The health department also has charge of the milk inspection and chemical analysis of the city water. The total expenditures of this department for the year ended November 30, 1913, amounted to \$40,821.47.

The Brockton Milk and Baby Hygiene Association was organized in 1913 and supported during that year by private contributions. The health department made a spot map showing where all the infant deaths in the city for the past five years had occurred, as well as the deaths from digestive disturbances, and milk stations were established at the two points in the city where the number of infant deaths had been greatest during that period of time—the sixth ward and the fifth ward. The following extract has been taken from the association's report:

Stations opened on Everett Street and Ames Street on June 11th, closing on September 20th [1913]. True to the name, the aim has been to provide and distribute clean milk, modified to suit the need, and to teach mothers the proper care of babies. Ninety babies have been cared for, twenty-eight conferences with physicians held and three hundred and seventy-four calls made by nurses in the homes. Nearly all the babies have improved under our care and several lives of little ones saved. We have proven that there is need for such service and that the city should continue the service in some form. This work was accomplished at an expenditure of \$728.37.<sup>1</sup>

Of this amount only a small part was refunded by the mothers in payment for milk. A trained nurse was in charge of the station during the three months in summer when the work was in active operation. Physicians were in charge of the clinics. So successful was this work the first year that the city took charge of it the following year (summer of 1914), and since that time a third station has been established. The Lithuanians and Jews were the nationalities profiting most by this work, as the two stations on Ames and Everett Streets were located in the heart of their respective districts. Their interest and cooperation were aroused by mass meetings and indorsement by their more prominent clubs and organizations.

The Brockton Visiting Nurse Association was established in 1904. Its four nurses cared for the sick who were unable to secure proper care in their homes and who could not get or did not need hospital care. An insurance company also engaged them for the care of all its cases. The care of tubercular patients took a large part of their time. During 1913 they made 882 visits to patients. Owing to

<sup>1</sup> Thirty-second Annual Report of the Department of Public Health, 1913, p. 26. Brockton, 1914.

the inadequate force no prenatal work was done at that time and little educational work could be accomplished in the families beyond the directions necessary for the care of the patients. Since the time of this inquiry, however, the number of nurses has been doubled and they have been able to devote considerable time and attention to preventive work, including instructions to prospective mothers on prenatal care. The supervising nurse of the association also acts in the capacity of public health nurse for the city; this cooperation has brought about many beneficial results.

The Brockton day nursery was organized in May, 1909, in the center of the Jewish and Syrian quarter. A philanthropic citizen made this work possible by presenting the building and a sum of money, the interest of which was to be expended in maintenance. The purpose of the nursery was to provide a place where widowed mothers who were compelled to work might leave their babies during the day. As a rule no baby was admitted whose father was living, unless he were ill or apparently unable to secure employment. The nursery cared for very few children under 1 year of age. A kindergarten was conducted in connection with the day nursery and small children were admitted upon the payment of 10 cents a day. In cases where the mothers were unable to pay the babies were admitted free.

Mothers' pensions were paid in part by the city. The State paid one-third and the city paid the remaining two-thirds. Widows were eligible for this pension, as well as wives whose husbands had been away for over a year and who had taken out a warrant charging their husbands with nonsupport. They might apply for it or be recommended. The State had its own investigator, who conferred with the overseer and her report was referred to the authorities in charge and acted upon by them. No stipulated amount was fixed by law, but a budget was arranged by some one in the department and the same rates were applied to almost every family. The home conditions were inspected from time to time and the State had the privilege of withdrawing the pension if it seemed unwise to continue it. Two mothers of children born during the selected year benefited by this law.

The public charities were under the control of the overseer of the poor. Outdoor relief was given to the poor in their homes and patients were supported in the almshouse and other institutions. The main burden of supporting the poor fell on this department although a great deal of relief was given by churches and societies. Twelve of the families included in this study were the recipients of city relief.

Until the spring of 1915 Brockton had no charity organization society. While the city had to deal with no acute poverty problem,

such a society was nevertheless greatly needed to prevent the duplication of effort, which had existed up to that time. The central relief association was beginning to meet this need by maintaining a confidential exchange.

The income from the Snow fund, which was left to the city several years ago, was expended under the direction of the mayor, but he referred practically all cases to the overseer of the poor. This income amounted annually to about \$3,500 and had to be spent for excursions and for Christmas dinners and presents. The school nurses made the recommendations for the excursions and outings.

The public-school department was an active influence in the broadest sense. It maintained industrial classes, evening schools, special classes for non-English speaking children, continuation classes for boys and girls between 14 and 16, summer schools, playgrounds, school gardens made by the pupils, a parent-teacher association, dental clinic, three medical inspectors, and a school nurse.

The New American Association aimed to protect foreigners from exploitation, to train them to become true American citizens, and to enable them to be assimilated into the community with a minimum of struggle and delay. Through its influence public evening schools for immigrants had been maintained, as well as special schools for adults, schools for prospective citizens, and an immigrant protective and advisory bureau. Once a year a reception is held to welcome the newly naturalized citizen. This association had been directing a study of the community from the immigrant standpoint. The secretary for the association has written "The Shoe City Reader," a simple textbook for the use of foreigners who are employed in the shoe industry and who wish to learn English.

### CIVIC FACTORS.

**Milk supply.**—The bacteriological laboratory of the health department was one of the most complete and best equipped in New England and the bacteriologist was a recognized authority throughout the State. Sanitary milk inspection was begun in 1906 with the purpose of securing for the city "a clean, fresh, and healthful milk supply, as well as one that would not fall below the standards prescribed by law."<sup>1</sup>

The maximum bacterial count permissible was 500,000 per cubic centimeter; this standard remained unchanged from summer to winter. The dairies were inspected periodically. When pus or streptococci were found in milk from any dairy, the individual cows were examined until the infected animals were found, and these animals were then immediately isolated.

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<sup>1</sup> Thirty-second Annual Report of the Department of Public Health, 1913, p. 39. Brockton, 1914.

The health department published the names of the 14 dairymen, who during 1913 had an average of 50,000 or less bacteria to the cubic centimeter, as well as the names of the 15 dealers with the lowest average bacterial counts during the eight years since milk inspection had been in force. As only four of these had had averages of less than 50,000 throughout the whole time, it was evident that conditions were being improved every year. Householders and physicians might consult these records at the office of the health department. "The constant inquiries for such information is evidence of the interest taken by the thinking public in this work." <sup>1</sup> Out of 638 mothers who gave their children cows' milk at some time during the first year, 185 or 29 per cent purchased it of the 14 dairymen whose milk averaged 50,000 bacteria or less during 1913.

During the year 196 dairies were scored and, with 100 as a maximum, the average score was 53. Two per cent scored below 31; and 11 per cent below 41; only 2 per cent scored above 81. In this connection, the bacteriologist in his annual report for 1913 stated:

In the matter of scoring dairies we have found nothing to shake our faith in the belief that what the Brockton milk consumers are primarily interested in is the actual quality of milk they are receiving rather than its possible production in a dairy scoring 95 per cent.

**Water supply.**—Brockton obtained its water supply from Silver Lake, the largest of a chain of lakes about 15 miles distant from the city. The water was chemically analyzed by the bacteriologist once a week and the results of this analysis were published as a monthly average. He reported "a general freedom from pollution from animal sources," <sup>2</sup> as well as an extremely low bacterial count with a total absence of colon bacilli and streptococci. The water of 23 wells and springs was chemically tested also during 1913. Only 10 families included in this study used other than city water. One death occurred in Brockton during 1913 because of typhoid fever.

**Sewerage system.**—Brockton had 125.02 miles of accepted public streets and 71.79 miles of sewers in 1913. Since the city limits included a large area which was rural in character, the proportion of accepted streets in the city proper which had sewer mains was much larger than at first appears. But the city engineer estimated that the city had from 75 to 100 miles of "private ways" which were not "accepted streets." A "private way" was a street laid out by individuals and not yet accepted as such by the city council. The city assumed no responsibility whatever for accidents which might occur on these streets. Though efforts were constantly being made to have the city take these "private ways" under its jurisdiction, but little headway had been made at the time of this inquiry.

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<sup>1</sup> Thirty-second Annual Report of the Department of Public Health, 1913, p. 47. Brockton, 1914.

<sup>2</sup> Thirty-second Annual Report of the Department of Public Health, 1913, p. 36. Brockton, 1914.

The "private ways" had no connection with the city sewer and were unable to obtain it until they had been accepted as streets. In the report of the city engineer and the sewer commissioners these "private ways" were ignored. If they were taken into consideration, but 30 or 40 per cent of the streets had sewers. The majority of dwellings in the city proper, however, were sewer connected, although the homes of 320 or 25.7 per cent of the babies included in this study did not have sewer-connected toilets and the homes of 209 or 16.8 per cent had sinks not connected with the sewer main. Some of these were practically rural homes; others in the more thickly settled part of the city were located on streets on private ways which had no sewers; and some had availed themselves of the exemption in the ordinance quoted below from the rules and regulations of the board of health.

**SECTION 1. Buildings to be connected with sewer.**—Every building situated on a public street, court, or passageway in this city, in which there is a public sewer, is hereby required by this board to be connected by a good and sufficient particular drain with such public sewer.

**SEC. 2.** The board of health may exempt from the provisions of the preceding section any building or buildings which in their judgment ought to be exempted, and said exemption may be either temporary or permanent, as said board may determine.

The city engineer's report for 1913 showed that the work of connecting buildings with the city sewer was progressing rapidly, 339 connections having been made during 1913. He estimated, however, that at the end of the year 1913 about 17 per cent of the property abutting on city sewers was at that time still unconnected.

**Sewage disposal.**—The method of sewage disposal in Brockton was that of intermittent sand filtration. According to Rosenau, "the efficiency of intermittent sand filtration is higher than that of any other process."<sup>1</sup> The system is described by Merriman as follows:

The method of purifying sewage by filtration is founded on the same principles as those \* \* \* for the artificial filtration of water. Sewage is a very impure water, but not much more impure than the surface drainage of some pastures and swamps; by passing it through soil at a slow rate and supplying sufficient air to enable the useful bacteria to work, the dead organic matter becomes completely changed into harmless gases and mineral compounds, so that the resulting effluent is clear and pure water.<sup>2</sup>

The disposal plant was constructed in 1893 and has been improved in 1905, 1908, and 1912. The city had 37 acres of sand beds in 1913. The plant is located in the extreme southwestern section of the city in the third ward where the sandy soil is well adapted to the purpose, and where it is convenient to a small stream, into

<sup>1</sup> Rosenau, Milton J. Preventive Medicine and Hygiene, p. 960. New York, 1917.

<sup>2</sup> Merriman, Mansfield. Elements of Sanitary Engineering, p. 204.

which the effluent is discharged. In his report on municipal engineering, Baker states that "among the best-known examples of intermittent filtration in America are the works at \* \* \* Brockton, Massachusetts."<sup>1</sup>

**Surface drainage.**—Surface drainage was excellent, being entirely separate from the sewerage system. The streets were, in the main, well graded and the rainfall was carried off by 19.51 miles of surface drains.

**Garbage collection and disposal.**—Garbage collection in Brockton was under the supervision of the overseer of the poor. Garbage must be "placed in covered vessels, and no ashes or other refuse matter shall be mingled therewith."<sup>2</sup>

Collections were made in the central portion of the city three times a week, and in the more remote sections only once a week. The city furnished teams and hired labor to haul the garbage a mile and a half from the center of the city, where it was either dumped on the poor farm to be used as fertilizer or fed to the pigs. Complaints were sometimes made because of the odor from the wagons passing through the streets on the way to the poor farm.

The overseer of the poor stated that it was only a matter of time when some other system of garbage disposal would have to be adopted, but no steps had been taken in that direction at the time of this study.

Ashes and noncombustible rubbish were drawn to the city dumps. These dumps appeared to be unnecessarily numerous and were very unsightly, but they were an indication of the rapid growth of the city rather than a menace to health. In the rural districts of the city were many shallow pools of stagnant water into which tin cans and other rubbish had been thrown. Apparently no attention had been paid to these breeding places for mosquitoes. As far as it was possible to determine, the ordinance regarding collections of garbage and ashes was very well enforced.

**Cleanliness of streets.**—The highway commissioner reported that no complaints of dusty streets were received during the summer of 1913. The streets were sprinkled with hot asphalt and a coating of sand. This treatment was supposed to keep them dustless the entire season, but opinions casually expressed indicated that the method was not altogether satisfactory. Undoubtedly much of the dust came from dirty sidewalks which were everywhere in evidence. In the outlying districts, where few of the streets were improved, serious annoyance was occasioned after a hard rain by the mixture of mud and sticky oil. By far the larger proportion of the streets in the

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<sup>1</sup> Baker, M. N. *Municipal Engineering and Sanitation*, p. 150.

<sup>2</sup> *Rules and Regulations of the Board of Health*, p. 11.

sparsely settled districts were, however, merely country roads. The paved streets of the city proper were kept in fair condition.

**Street and sidewalk paving.**—Only 8.26 miles of streets were paved while 31.32 miles were macadamized. This was exclusive of State roads which passed through the city.

Brockton had 10.98 miles of concrete and asphalt sidewalks and 8.53 miles of granolithic sidewalks, making 19.51 miles of sidewalks in all, as compared with 125 miles of accepted streets. In addition, the 75 or 100 miles of "private ways" had no improvements at all unless provided by the individual property owner.

**Smoke nuisance.**—The city had never adopted a definite policy in regard to the smoke nuisance, although an ordinance on this subject was being considered for the future. The only noticeable annoyance from smoke was in the vicinity of the gas house; the odors there were especially trying also. Most of the factories burned soft coal, but the fact that these factories were located in somewhat sparsely settled parts of the city and were themselves widely separated eliminated the smoke nuisance to a large extent. One of the largest shoe factories in the city had had its steam power plant taken out and electricity installed in its place about the time of this inquiry, and since then other factories have taken similar action. But it was through chance rather than design that Brockton had no smoke nuisance.

### THE LIQUOR QUESTION IN BROCKTON.

Alcoholism is recognized as one of the important causes of infant mortality. Hence, the no-license law of Brockton which has been in effect every year since 1886, with the single exception of 1898, was believed by many inhabitants of the city to be a factor in the low infant mortality rate.

While it is easy to show the effect of drink on infant mortality in specific cases, it is difficult to state how many infant lives are saved by prohibition of the sale of liquor. Any influence which tends to make healthier parents, better homes, and more contented families will tend to reduce the number of infant deaths. In common with most of the complex social and economic factors underlying the causes of infant mortality, the effect of prohibition, although admittedly beneficial, can not be measured directly. In a city having excellent sanitation facilities, a strong sense of civic pride, good wages, and intelligent workers, the abolition of saloons might be considered either as cause or effect.

### CONCLUSIONS.

**Infant mortality rate.**—During the year selected for this study Brockton had an infant mortality rate of 96.7, which is relatively low compared with other manufacturing cities having similar climatic

conditions. This low rate has been attributed to the high wages paid by the dominant industry of the city, the intelligence of the workers, the fact that very few mothers were gainfully employed away from home, and the generally good municipal sanitation. But when the infant mortality rates of other cities of similar size and the general type of population are considered, the Brockton rate does not seem to be commensurate with the advantages generally enjoyed throughout the city.

**Nativity of mother.**—The mortality among babies of foreign-born mothers was lower than among babies whose mothers were native Americans. Few, if any, New England manufacturing cities have shown similar results. To a certain extent this favorable condition is due to the fact that most of the foreigners who come to Brockton with their families are skilled workmen. Furthermore, they are not obliged to live under extremely poor housing conditions, as in more congested cities.

The shoe industry demands skilled workers—others do not come to the city in great numbers; the high wages paid enable the workers to live in fairly comfortable homes. Although the more recent immigrants have not yet reached the standards of living attained by the Swedes, Irish, and British in the city, nevertheless Brockton has no problem of vast numbers of foreigners of an extremely low economic status with a standard of living correspondingly low.

**Earnings of father.**—Earnings of father appear to have a much less definite influence on infant mortality in Brockton than in the other cities studied. To what extent this was due to the good conditions which prevailed generally throughout the city, to what extent to the absence of saloons, or to chance variation due to the small numbers considered in this study, could not be determined.

**Employment of mother.**—The number of mothers who were gainfully employed in Brockton was so small that this employment can not be considered a factor in the general infant mortality rate, although it may have been a factor in the mortality of their infants.

**Age and cause of death.**—The proportion of deaths occurring in the first day, week, and month of life was unusually high. Most of these deaths were caused by the diseases of early infancy and those classified as "other causes." Inasmuch as apparently no organized effort had been made prior to 1915 to reduce the number of deaths from prenatal causes, the city's most crying need seems to be that of an adequate force of nurses to do prenatal work, as well as a clinic where mothers might obtain advice and medical care before the births of their children. In order to secure the maximum amount of benefit from such a clinic, an educational campaign would first be necessary for the purpose of convincing mothers of the value of pre-



**natal care.** Mothers should also be aroused to the importance of having the best medical care obtainable at childbirth. Shortly before the publication of this report the visiting nurses had begun to extend their work into the field of prenatal instruction and advice, but they had not yet been able to secure enough nurses to reach the mothers to any appreciable extent.

The deaths from gastric and intestinal diseases, on the other hand, form a relatively small percentage. These deaths are most easily preventable. Breast feeding, high standards of living, intelligent care, and good milk are factors which tend to reduce the death rate from these causes. Infant-welfare stations were beginning to play a prominent part in lowering the number of diarrheal deaths. In Brockton these stations had been so recently established at the time of this study that they had had no opportunity to reach the maximum of efficiency.

**Municipal sanitation.**—At the time of the study the city had passed no laws with reference to housing except for the purpose of fire protection. Housing conditions, however, were exceptionally good throughout the city. But, as Brockton grows, will it keep up this high housing standard? The experience of other cities has proved that most industrial communities succumb sooner or later to the temptation to overcrowd both homes and lots. If laws are passed to prohibit these evils in the immediate future the city may continue to possess a fair name as far as housing is concerned. On the other hand, at the present rate of development and with the commercial spirit everywhere rampant in an industrial town, Brockton can scarcely expect to fare better than conspicuously bad examples in her own State.

The city's system of sewerage and sewage disposal was excellent. The sewage disposal plant, although not an unusual type in modern cities to-day, was installed in 1893—a time when such high-grade sanitation facilities were practically unknown. Unfortunately, many homes in the city still lacked sewer connections in 1913.

Brockton has a problem to contend with in the abolition of the many "private ways." Since these streets were located within the city limits, it was difficult to understand why they should not have had the privilege of being sewer-connected and protected by the city, even though paving and sidewalks were out of the question for some years.

The code in regard to the handling of milk in Brockton was a good one and the laws were stringently enforced. The official bacterial standard of 500,000 per cubic centimeter was very low, but the bacteriologist, by appealing to the public to buy milk of those dairymen whose milk averaged less than 50,000 bacteria has unofficially succeeded in raising the standard.

With all the advantages existing in Brockton the infant mortality rate should have been lower than it really was. One must remember, however, that the city has developed very rapidly, having been incorporated only 32 years at the time of this inquiry. During that time remarkable progress has been made along the lines of sanitation and civic betterment, and improvements along every line of city activity were being pushed with much energy.

## APPENDIX.

### METHOD OF PROCEDURE.

**Scope of inquiry.**—In the law creating the Children's Bureau, passed by the Sixty-second Congress, infant mortality was specified first in the list of subjects to be investigated. The mortality among infants under 1 year is higher than mortality at any other period of life except old age. The report of the Census Bureau on Mortality Statistics showed that in 1911 for every thousand live births registered in the death registration States there were 124 infant deaths under 1 year of age. In the birth registration area, including the New England States, New York, Pennsylvania, Michigan, Minnesota, and the District of Columbia, in 1915, for every thousand live births registered there were 100 infant deaths. In these States the rate of infant mortality varied from 70 to 120 for the States as a whole, while for cities of 25,000 population or over (in 1910) in these States the range of the rates is much greater—from 54 in Brookline and Malden, Mass., to 196 in Shenandoah, Pa.

TABLE I.—*Infant mortality rates for States in the birth registration area: 1915.\**

State.	Infant mortality rate.
Connecticut.....	107
Maine.....	105
Massachusetts.....	101
Michigan.....	86
Minnesota.....	70
New Hampshire.....	110
New York.....	99
Pennsylvania.....	110
Rhode Island.....	120
Vermont.....	85

\* U. S. Bureau of the Census, Birth Statistics, 1915, p. 10. Washington, 1917.

It is evident from these figures that conditions in some States and in some cities are much more favorable than in others. On the causes of low or high mortality the figures of the Census Bureau throw little light. If inquiries were made in restricted areas and information on the physical, social, economic, and civic conditions were secured for all births and all infant deaths under 1 year it would be possible to determine the underlying causes that favored a low mortality or produced a high rate.

With this object in view the Children's Bureau selected a number of cities that offered contrasts in economic, industrial, and social conditions in which to make intensive studies of the conditions of infant life and infant mortality. The choice of the first cities to be studied was limited for practical reasons to cities with acceptable birth registration, on account of the facilities afforded by these

records for learning where the mothers to be interviewed lived. It was further necessary to choose cities of such size that they could be covered thoroughly within a reasonable time by the few agents available for the work. Certain characteristics of the cities chosen are summarized in Table II. All were manufacturing cities, the populations ranging, in 1910, from 50,000 to 100,000. All had a large foreign element. In addition, judging by the provisional figures available when the choice was determined upon, every city with the exception of Brockton had a high infant mortality rate.

TABLE II.—Population in 1910, infant mortality rates 1910 and 1915, percentage of adult population foreign born, principal foreign nationality,<sup>a</sup> and principal industry of the cities chosen for infant mortality studies.

City.	Population in 1910.	Infant mortality rates.		Percentage of adult population over 20 foreign-born, 1910.	Principal foreign nationality. <sup>a</sup>	Principal industry.
		1910. <sup>b</sup>	1915. <sup>c</sup>			
Johnstown, Pa. ....	55,482	165	116	39.9	Varied Slavic &...	Iron and steel.
Manchester, N. H. ....	70,063	193	150	56.1	French Canadian...	Cotton textiles.
Brockton, Mass. ....	56,878	99	82	37.3	Lithuanian.	Shoe manufacture.
Saginaw, Mich. ....	50,510	145	101	33.7	German.	Varied industries.
New Bedford, Mass. ....	98,652	177	143	59.0	Portuguese.	Cotton textiles.
Waterbury, Conn. ....	73,141	149	143	50.5	Italian.	Brass manufacture.
Akron, Ohio. ....	69,067	123	.....	26.0	German.	Rubber factory.

<sup>a</sup> Principal nationality of foreign-born mothers of infants included in the infant mortality studies.

<sup>b</sup> Figures published by the U. S. Bureau of the Census, Bulletin 109, Mortality Statistics, 1910, pp. 18-19, based on provisional figures for births. The rate for Akron, Ohio, was furnished by the Ohio State Registrar.

<sup>c</sup> U. S. Bureau of the Census, Birth Statistics, 1915. Washington, 1917.

<sup>d</sup> No particular Slavic group of sufficient importance to mention separately.

**Infant mortality rate.**—An infant mortality rate expresses the probability of a live-born infant dying before his first birthday and is usually stated as the number of deaths under one year per thousand live births.<sup>1</sup> The usual approximate method of finding the infant mortality rate for a certain area is to divide the number of registered deaths of infants under 1 year of age occurring in a given calendar year by the number of registered live births in the same year. The number of deaths thus secured includes not only deaths of infants born in the same calendar year but also some deaths of infants born in the preceding year or in a different area; it excludes deaths of infants included in the group of births if the death occurred either in a different area or in the following calendar year. The two numbers (of deaths and births) do not refer to the same group of infants. To avoid this inaccuracy, the method employed by the Children's Bureau in all studies has been to follow each infant born in a given selected year in a certain area for a period of 12 months. The deaths among these infants are then compared to the births; in this way the deaths include no infants not included in the births and the true probability of dying in the first year of life is secured.

The chief difficulty in practice in computing infant mortality rates arises from the incompleteness of registration of births and deaths. It is not always safe to compare infant mortality rates in cities with those in country districts; in one State with those in

<sup>1</sup> Stillbirths are omitted from both births and deaths.

another; in one city with rates in another; or even to compare rates in one year with those for preceding years in the same city on account of differences and changes in completeness of registration. If the per cent of omissions of deaths under 1 year of age is equal to the per cent of omissions of births, the infant mortality rate, though based on incomplete data, will still be correct. In general, however, death registration is better than birth registration. If birth registration is more defective than registration of infant deaths, the infant mortality rate will be too high. Inaccuracies will affect not only the general rate for a given area but may affect also the comparability of the rates for different classes within the area. In an analysis of births and deaths by race and nativity classes if the degree of completeness of registration varies with the different classes the rates found by dividing the deaths by the births may not be comparable. For the purpose of these investigations comparable rates are essential.

It is not of so much importance that the rate secured shall characterize general conditions of infant mortality for a given area, as that rates for the different nativity classes, earnings groups, and other subclasses shall indicate the true differences for the area in the incidence of infant deaths. There are two methods of treating the original data to make them more serviceable for this purpose. One is to exclude the least accurate material, where it is known to be incomplete or inaccurate. The other is to make a selection of material on some unbiased basis and use the data selected as a representative sample of the city. An alternative policy is so to supplement the original data that the figures used include all the evidence applicable to the groups studied in this city.

Certain groups for which the information is inaccurate or incomplete have been excluded in all the studies made by the bureau. The groups for which the rates are most open to question and most difficult to obtain are illegitimate births, births in families that have moved away, and births to nonresident mothers.

The first of the groups that have been excluded from the general analysis is the group of illegitimate births. The information secured is probably not so complete as for legitimate births; furthermore, it relates to an abnormal family group. Special studies of mortality rates for illegitimate children have been made for one or two cities, but the findings can not be considered so satisfactory as those presented in the general analysis.

Births to mothers who moved away in the first year of the infant's life form the second group of exclusions. The information as to the number of deaths that occurred in this group is not complete. Obviously, if the infant moved away from the city after the first few weeks or months of life, his death, if he died before his first birthday, would not be registered in the city. Deaths registered in the city of infants born to mothers who later moved away also have to be excluded; otherwise the rates would be biased by the exclusion of live births only, with no exclusion of infant deaths to correspond.

A third group of exclusions is the births to nonresident mothers. These were excluded not only on the ground that in most cases the infant did not live in the city during his entire first year of life but also on the ground that the conditions under which nonresident mothers lived prior to entering the city hospitals may be different

from those of the average mother in the city. In order to make the rate as characteristic of the city as possible these births were excluded.

Births to mothers who could not be found were also excluded. In such cases the probability was that the mother had moved away. No reliable information could be secured about these cases and hence the only safe policy was to exclude them.

In practice since the agent's visit always was made after the first anniversary of the birth of the child, in some cases a year or more afterward, births were excluded if the mother had moved away from the city prior to or could not be found at the time of the agent's visit.<sup>1</sup>

The data submitted in the report apply, therefore, to births in the city during the selected year to resident married mothers who lived there during the child's first year and were found there at the time of the agent's visit.

Though the records for births to resident married mothers are much more complete and satisfactory than for all births in the city, there still remains the difficulty that differences in the completeness of registration for different groups may affect the comparability of rates. If all births and all infant deaths are registered, the rates for these groups would be correct. It was found, however, in examining the birth and death certificates that occasionally a death had been registered of an infant born in the city whose birth had not been recorded. Obviously the more incomplete the birth records are the more frequently such cases would occur.

There were three possible methods of meeting this difficulty. The first was to accept these death records and treat them as if the births had been recorded. The second was to make a selection of births and include only deaths among the births selected, the obvious basis of selections being the fact of registration of birth. The third was to attempt to complete the records of births and of deaths by a canvass. The first method was rejected in favor of the second and third, on the ground that the inclusion of all these death records would tend to exaggerate the mortality rates.

The second method was followed in Manchester, Brockton, and New Bedford. In Brockton and New Bedford a special canvass is made by State officials to check up registration of births during the preceding year. Consequently in these cities a birth might have been registered either by the physician soon after the birth or by the State canvasser on his visit. All births recorded, whether regularly registered or added by this special canvass, were treated as registered for the purposes of this study.

The third method, or a modification of it, was followed in the other cities studied. In Johnstown, Pa., the original plan was to limit the investigation to registered births in 1911. But during the progress of the investigation it was found that many births to Serbian mothers escaped registration and it was thought that this group was too important to be omitted entirely. Accordingly the birth records

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<sup>1</sup> The rulings in two special cases might be mentioned:

1. If the mother died during the child's first year, the birth was included if the infant (or, in case of death, his family) had lived in the city during the first year after his birth.

2. In a few cases mother and child were away from the city for a part only of the child's first year, but later moved back and were found by the agent. In the cities first studied agents were not instructed to inquire as to continuous residence in the city. If, however, the fact that the mother had moved away for a period was noted, the birth was excluded in tabulation, if the absence from the city had been three months or more.

were supplemented by the baptismal records of the Serbian church, and a canvass was made of the principal Serbian quarter. Agents were instructed to take schedules for any infants found who were born in Johnstown in 1911, even if the birth had not been recorded. In Saginaw the registered births were supplemented by the births secured in various ways—death certificates, baptismal records, through neighborhood inquiries, and other sources. The agent calling on each mother inquired if there were other children in the neighborhood of about the same age. By these means 116 births to resident married mothers were added. In Saginaw three unregistered deaths were added to the 113 recorded.

With the general plan of the investigation determined, the more important points in the detailed procedure were as follows: The first step was to copy the birth certificates for the year selected; then the death certificates for the year selected and the year following were examined and the facts as to birth and death for infants born in the year selected were transferred to the schedules. These records usually gave the address of the mother, though not in all cases the present address. In cities where a canvass was made, the actual address of the mother was found directly. If the mother had moved, the agent attempted to learn from the neighbors her present address in the city or whether she had moved away. Most of the information contained in these reports is derived from the answers secured from the mothers interviewed. As the bureau has no power or desire to compel answers, the information secured was based on the voluntary statements of the mothers. To the willingness of the mothers to answer all questions and to cooperate in every way, is due the completeness of the records; upon this completeness the value of much of the information depends.

In comparing, then, the rates for the group included in the study with the rates for the corresponding calendar year computed in the ordinary manner, the following points must be borne in mind:

First. In rates computed by the ordinary method the deaths and births refer to the same year. In the rates for these studies the births in a selected year are compared to the deaths among them. The deaths are scattered over a period of two years, including the selected year and the year following.

Second. Illegitimate births are excluded from these studies.<sup>1</sup> The death rate for illegitimate births is usually considerably higher than the average rate. The rates as shown in these studies, therefore, may be expected to be somewhat lower than the rates as usually computed.

Third. Births to nonresident mothers are excluded in order to make the rates as characteristic as possible of the conditions of the locality studied.

Fourth. Births of infants whose mothers moved away during the year following the birth of the infant and deaths that occurred in this group are excluded, because in the absence of data on age at removal it is impossible to use the figures except on the basis of arbitrary assumption. Deaths in the city of infants born elsewhere are also excluded because there is no information on age at migration. This policy, of course, excludes infant deaths in foundling asylums, if the birth did not occur in the city.

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<sup>1</sup> Except for Johnstown, where illegitimate births were included.

Fifth. In some of the cities rates are based on the deaths among the registered births. Infant deaths where the birth was not recorded have therefore been omitted, to correspond with the probable omission of infants surviving the first year of life, whose births were not recorded.

Finally, in other cities the birth records have been completed or supplemented by a canvass. In these cases the rates for the groups included are probably more accurate than the rates as usually computed.

**Exclusions in Brockton.**—With the foregoing explanation of the method of procedure in mind, the significance of the exclusions and the rates for the excluded groups may be more easily grasped. During the selected year there were 1,547 live births in Brockton; 174 of these had moved out of town and no trace of 71 could be found, a total of 245; 5 of these were found through death records. Obviously, owing to the difficulty of finding unregistered births to mothers who had moved away and could not be found, nothing could be done with these 5 live births and 5 deaths in forming a rate. Among the 240 registered live births to mothers who could not be found or had moved away, 27 deaths were known to have occurred. These deaths registered in the city probably do not include all deaths among this group. The rate of 112.5 is probably somewhat less than the true rate.

There was one case where the infant survived his first birthday, but the information was incomplete.

Among the 63 live births in the city excluded on grounds of non-residence of the mother, 4 deaths occurred in the city. In most cases these mothers probably left the city soon after the birth of the child. The rate therefore, 63.5, represents an understatement of the true rate for this group.

Eleven births to mothers resident in the city both at the time of the infant's birth and at the agent's visit were excluded on the ground of illegitimacy; 5, or nearly one-half, died before the end of the first year.

TABLE III.—*Registered and unregistered live births in Brockton, infant deaths, and infant mortality rates for births included in and for births excluded from detailed analysis, by reason for exclusion.*

Inclusions or exclusions and reasons for exclusions.	Live births.			Infant deaths.			Infant mortality rates.		
	Total.	Registered.	Un-registered.	Total.	Births registered.	Births un-registered.	Total.	Births registered.	Births un-registered.
Total known births.....	1,547	1,525	22	171	153	18	110.5	100.8	.....
Total births included.....	1,210	1,210	.....	117	117	.....	96.7	96.7	.....
Total births excluded.....	337	315	22	54	36	18	160.2	114.3	.....
Reasons for exclusion:									
Nonresidence or lack of information: Total.....	309	304	5	36	31	5	116.5	102.0	.....
Not found.....	71	67	4	11	7	4	.....	.....	.....
Data incomplete or unreliable.....	1	1	.....	.....	.....	.....	.....	.....	.....
Nonresident.....	63	63	.....	4	4	.....	.....	.....	.....
Removed.....	174	173	1	21	20	1	120.7	115.6	.....
Illegitimacy.....	11	11	.....	5	5	.....	.....	.....	.....
Nonregistration of births.....	17	.....	17	13	.....	13	.....	.....	.....

a Not shown where base is less than 100.

b Including illegitimate births to nonresident mothers.



Seventeen live births were excluded on the ground that the birth had not been registered. In this group 13 deaths occurred. The reason the proportion is so high is because all but 4 of the 17 live births were found by means of the death certificates. The 4 not found by death certificates were discovered only by accident. It is difficult to form a rate for this group because no attempt was made to supplement the records of births by a canvass of the city.

Light may be thrown upon the completeness of registration of births in Brockton from these figures. If the deaths where the birth had not been registered are compared to the total deaths in the city among births in the selected year, the figure of 10.5 per cent is obtained as an index of the proportion of births not registered. This index gives the true percentage of births not registered only in case the mortality among groups where registration is faulty is the same as the average, and the fact of death in infancy has no effect upon subsequent registration of the birth by the canvasser. But the mortality rates are usually high in the foreign-born and low-earnings groups, among whom births are most likely to escape registration. Furthermore, in Brockton, the State canvasser, on his annual visit to check up registration of births and deaths, is probably more likely to find and register a birth in the previous year, if the infant is still alive, than if a death had occurred. This percentage, therefore, probably represents a maximum statement of the percentage of births unregistered. Another method of determining the percentage of births unregistered is by comparing the unregistered births with the total. There were 22 unregistered live births in Brockton during the selected year that were definitely known to have occurred. If compared to the 1,547 live births, 1.4 per cent were not registered. Perhaps a somewhat fairer comparison would be of the 17 births that occurred to mothers known to have been resident in the city both at the time of the infant's birth and at the time of the agent's visit to the total of 1,238 in the same group; the percentage, however, is only slightly lower. This percentage represents a minimum statement of births unregistered, because it includes only those cases where an unregistered birth was known to have occurred. Owing to the fact that no special measures were taken to discover other cases of omission, the true percentage is probably somewhat above this figure.

The infant mortality rate for the births included in the study is 96.7. For the excluded groups the rate varies with the reasons for exclusion. The rate for illegitimate births is very high. The rate for the nonresident is relatively low, but does not include all the deaths. The rate for cases where the mother was not found or had moved away from the city is considerably higher than the rate for the selected group, but obviously less than the true rate. No fair rates can be made for the group of infants where the birth was not registered, because practically all were found from death certificates. The rate for the excluded group as a whole, 160.2, means little unless taken in connection with the reasons for exclusion. The rate for all live births in the city, both included and excluded, was 110.5, but this rate, too, is not so significant in many ways as the rate for the group included in the study. If it could be assumed that all unregistered births to resident married mothers were discovered, the rate for this group

would be 105.9, a rate which would represent probably the maximum for this group, for every additional unregistered birth discovered would tend to lessen it. In case additional deaths had not been registered, the rate would depend upon the respective proportion of deaths and births unregistered.

**Stillbirth rates.**—Stillbirth rates were formed by dividing the number of stillbirths by the total number of births, live and stillbirths. A stillbirth is defined as a dead-born issue of 7 or more months' gestation. Miscarriages, or dead-born issues of less than 7 months' gestation, were excluded.

A policy of exclusions was followed similar to that for infant mortality. Stillbirths to nonresident mothers were excluded because of the possible effect of other conditions; likewise stillbirths to mothers who moved away prior to the visit of the agent. In the latter cases the information would have been difficult to obtain, and there was the same chance of omission of births as in calculating the infant mortality rate.

With reference to the accuracy of the data the registration of stillbirths has a peculiar margin of error of its own. Usually the stillbirths must be registered both as a "death," and as a "birth"; in some States the law is not clear whether stillbirths have to be registered at all; and in others miscarriages as well as stillbirths must be registered. It sometimes happens that a stillbirth is registered as a "death" but not as a "birth," where registration of both is required by law. It is obvious that such an omission is one of carelessness only, as ordinarily the same person, usually a physician, would register both.

The number of unregistered stillbirths would be difficult to determine. It would be much more difficult to find cases of omission of stillbirths by canvass or other inquiry than to find cases of omission of registration of live births. Omissions might be due to ignorance of the law or failure to observe it. Doctors are probably more conversant with the law than midwives. There is chance for confusion between stillbirths and infant deaths on the one hand, where it is difficult to determine whether or not the child was born alive; and between stillbirths and miscarriages on the other, where it is difficult to state accurately the number of months of gestation. If the law requires the reporting of miscarriages, the number of stillbirths is probably more complete than where they are not reported.

In the stillbirth rates presented in the infant mortality reports of the Children's Bureau, the stillbirths to resident married mothers that were registered either as births or deaths have been compared to the registered births to resident married mothers for Manchester, Brockton, and New Bedford; in other cities the figure for stillbirths is compared to the total of registered and known unregistered births to resident married mothers.

**Stillbirths excluded.**—There were 66 known stillbirths and miscarriages in Brockton; birth certificates were found for 60 of these. Fourteen were excluded because they were miscarriages of less than 7 months' gestation; 13 more were excluded because the mothers had moved out of the city or were nonresident or because information was lacking. In these cases it could not always be determined definitely whether the birth was a stillbirth or a miscarriage. There were 39 stillbirths to mothers resident in the city

both at the time of the birth of the child and at the agent's visit. Two of these were excluded on account of illegitimacy. The rate for the included group is formed by dividing 37 stillbirths by the 1,247 registered births included in the study, giving a rate of 3.0. No rate can be formed for the nonresident, not found, or removed groups, because it can not be determined from the records whether or not the birth was a stillbirth or miscarriage.

TABLE IV.—*Stillbirths and miscarriages in Brockton included in and excluded from detailed analysis, by reason for exclusion.*

Inclusions or exclusions and reason for exclusion.	Number.
Total known stillbirths and miscarriages.....	66
Total stillbirths included.....	37
Total stillbirths and miscarriages excluded.....	29
Reasons for exclusion:	
Nonresidence or lack of information.....	12
Not found.....	4
Data incomplete or unreliable.....	2
Nonresident.....	3
Removed.....	4
Miscarriages excluded.....	14
Stillbirths excluded on account of illegitimacy.....	2

\* Includes 2 stillbirths and 4 miscarriages not registered as births, but which were found from death certificates. Compare statement on p. 12.

**Illegitimacy.**—Illegitimate children were excluded from the general tabulations for this study because of the relative incompleteness of the facts secured for this group, on account of nonresidence of the mother, and because the conditions were not those of the normal family. The discussion following includes the principal facts among the meager data secured.<sup>1</sup>

TABLE V.—*Illegitimate births during selected year, stillbirths, and status of live births at first birthday, according to nativity of mother.*

Nativity of mother.	Total births.	Stillbirths.	Live births.			
			Total.	Status at first birthday.		
				Alive.	Dead.	Not reported.
All mothers.....	39	3	36	17	7	12
Native mothers.....	24	1	23	11	4	8
Foreign-born mothers.....	15	2	13	6	3	4

During the year selected, 39 illegitimate births were registered in Brockton; this number comprises 2½ per cent of all births recorded in that period. Thirty-one of the mothers could not be located, and but partial data could be obtained for these cases from different social agencies in the city. Complete schedules were secured from mothers of eight infants.

<sup>1</sup> This discussion of illegitimacy is based not only on the births for which detailed information was secured but it also includes a few for whom the only information was that given on the birth certificate. In the preceding treatment of exclusions, illegitimate births to nonresident mothers are classed with those excluded on grounds of nonresidence of the mother rather than with those excluded on account of illegitimacy.

Birth certificates showed that 24 illegitimate babies were born to American mothers and 15 to foreign-born mothers. Thirty-six of these babies were live born, seven deaths under 1 year of age are known to have occurred; it is probable that some of the 12 children who could not be traced till their first birthday died outside the city. At least 19 per cent of the live-born infants died during their first year, indicating, though the basis for the figures is small, a tendency toward a rate twice as high as for legitimate children.

Thirty-seven of the mothers had physicians as attendants at birth, one a midwife, and one, whose child was stillborn, had no attendant.

Ten of the 35 children who lived at least two weeks were known to have lived with the mother; 12 were known to have lived away from the mother; 4 boarded in a private family, 3 at a baby farm, 2 were adopted, 1 was cared for in an infant asylum, 1 boarded out by the State board, the other with relatives. In 13 cases the place where the child lived was not reported.

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## GENERAL TABLES.

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## GENERAL TABLES.

**TABLE 1.—Births during selected year, infant deaths, infant mortality rate, and per cent of stillbirths, by month of birth.**

Month of birth.	Total births.	Live births.	Infant deaths.	Infant mortality rate.	Stillbirths.	
					Number.	Per cent of total births.
Total.....	1,247	1,210	117	96.7	37	3.0
November, 1912.....	99	96	8	83.3	3	3.0
December, 1912.....	103	97	7	72.2	6	5.8
January, 1913.....	83	79	6	76.0	4	4.8
February, 1913.....	103	101	9	89.1	2	1.9
March, 1913.....	108	108	12	111.1	.....	.....
April, 1913.....	119	115	11	95.7	4	3.4
May, 1913.....	109	105	14	133.3	4	3.7
June, 1913.....	116	113	9	79.6	3	2.6
July, 1913.....	103	100	11	110.0	3	2.9
August, 1913.....	89	85	11	129.4	4	4.5
September, 1913.....	86	85	6	70.6	1	1.2
October, 1913.....	129	126	13	103.2	3	2.3

**TABLE 2.—Number and per cent distribution of deaths among infants born in Brockton during selected year and of infant deaths in the registration area in 1913, by cause of death.**

Abridged International List No. <sup>a</sup>	Detailed International List No. <sup>a</sup>	Cause of death. <sup>b</sup>	Infant deaths in—			
			Brockton.		Registration area.	
			Num-ber.	Per cent distribu-tion.	Number.	Per cent distribu-tion.
		All causes.....	117	100.0	159,435	100.0
24.....	102, 103.....	Gastric and intestinal diseases <sup>c</sup> .....	15	12.8	41,379	26.0
25.....	104.....	Diseases of the stomach.....	3	2.6	2,924	1.8
		Diarrhea and enteritis.....	12	10.3	38,455	24.1
20.....	89.....	Respiratory diseases <sup>d</sup> .....	16	13.7	24,285	15.2
Part of 23.....	91.....	Acute bronchitis.....	5	4.3	8,665	2.3
22.....	92.....	Broncho-pneumonia.....	8	6.8	13,100	8.2
Part of 33.....	150.....	Pneumonia.....	3	2.6	7,520	4.7
		Malformations.....	6	5.1	8,813	5.6
Part of 33.....	151(1).....	Early infancy.....	45	38.5	52,865	33.2
Part of 33.....	151(2), 152(2), 153.....	Premature birth.....	20	17.1	27,359	17.2
Part of 37.....	152(1).....	Congenital debility.....	18	15.4	20,375	12.8
Part of 37.....	152(1).....	Injuries at birth.....	7	6.0	5,131	3.2

<sup>a</sup> The numbers indicate the classification in the abridged and the detailed lists, respectively, of the Manual of the International List of Causes of Death.

<sup>b</sup> The causes of death included in this list are those used by the United States Bureau of the Census (see Mortality Statistics, 1913, p. 577) in classifying the deaths of infants under 1 year. They are those causes of death or groups of causes which are most important at this age. The numbers of the Detailed and Abridged International Lists will facilitate their identification. In order to make discussion of the figures easier, these causes of death have been grouped in eight main groups.

<sup>c</sup> The term "gastric and intestinal diseases" as used in the tables and discussion includes, as above shown, only the diseases of this type which are most important among infants, i. e., diseases of the stomach, diarrhea, and enteritis. It does not include all "diseases of the digestive system" as classified under this heading according to the Detailed International List.

<sup>d</sup> "Respiratory diseases" as used in the tables and discussion similarly includes only those of the respiratory diseases which are most important among infants, i. e., acute bronchitis, broncho-pneumonia, and pneumonia. It does not include all "diseases of the respiratory system" as classified under this heading according to the Detailed International List.

TABLE 2.—*Number and per cent distribution of deaths among infants born in Brockton during selected year and of infant deaths in the registration area in 1913, by cause of death—Continued.*

Abridged International List No.	Detailed International List No. <sup>a</sup>	Cause of death. <sup>b</sup>	Infant deaths in—			
			Brockton.		Registration area.	
			Num- ber.	Percent distrib- ution.	Number.	Per cent distrib- ution.
5.....	6.....	Epidemic diseases <sup>c</sup> .....	10	8.5	13,390	8.4
6.....	7.....	Measles.....			2,011	1.3
8.....	7.....	Scarlet fever.....			255	.2
7.....	8.....	Whooping cough.....	6	5.1	3,442	2.2
8.....	9.....	Diphtheria and croup.....	1	.9	913	.6
9.....	10.....	Influenza.....	1	.9	608	.4
Part of 12.....	14.....	Dysentery.....			651	.4
Part of 12.....	15.....	Erysipelas.....	2	1.7	756	.5
Part of 37.....	24.....	Tetanus.....			369	.2
13.....	25, 29.....	Tuberculosis of the lungs.....			848	.5
14.....	30.....	Tuberculous meningitis.....			1,230	.8
15.....	31, 32, 33, 34, 35.....	Other forms of tuberculosis.....			413	.3
Part of 37.....	37.....	Syphilis.....			1,894	1.2
25.....	155 to 186.....	External causes.....	1	.9	1,892	1.2
28.....	187, 188, 189.....	Diseases ill defined or unknown.....	6	5.1	3,232	2.1
17.....	61.....	All other causes.....	18	15.4	13,519	8.5
Part of 37.....	71.....	Meningitis.....	1	.9	1,739	1.1
19.....	79.....	Convulsions.....	3	2.6	3,125	2.0
		Organic diseases of the heart.....			748	.5
		Other.....	14	12.0	7,907	5.0

<sup>a</sup> The numbers indicate the classification in the abridged and the detailed lists, respectively, of the Manual of the International List of Causes of Death.

<sup>b</sup> The causes of death included in this list are those used by the United States Bureau of the Census (see Mortality Statistics, 1913, p. 577) in classifying the deaths of infants under 1 year. They are those causes of death or groups of causes which are most important at this age. The numbers of the Detailed and Abridged International Lists will facilitate their identification. In order to make discussion of the figures easier, these causes of death have been grouped in eight main groups.

<sup>c</sup> "Epidemic diseases" as used in the tables and discussion includes only those of this group which are most important among infants.

TABLE 3.—*Deaths of infants born during selected year occurring in specified month, by cause of death.*

Cause of death.	Total deaths.	Month of death.											
		January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.
All causes.....	117	10	14	12	15	7	6	7	15	10	12	3	6
Gastric and intestinal diseases.....	15		1						4	6	4		1
Principal respiratory diseases.....	16	2	5	4	2						2		
Malformations.....	6			1	2				1		1		1
Early infancy.....	45	1	6	3	8	1	3	6	8	3	4	1	1
Premature birth.....	20		4	2	3	1	2	2	3	1	1		1
Congenital debility.....	18		1	1	3		1	4	4	2	2		
Injuries at birth.....	7	1	1		2				1		1	1	
Epidemic diseases.....	10	3	1	2	1	1			1				1
External causes.....	1								1				
Diseases ill defined or unknown.....	6	1			1	2						1	1
All other causes.....	18	3	1	2	1	3	3	1		1	1	1	1



TABLE 4.—Deaths of infants born during selected year in each ward of residence, by cause of death.

Cause of death.	Total deaths.	Ward of residence.						
		1	2	3	4	5	6	7
All causes.....	117	9	12	14	12	25	28	17
Gastric and intestinal diseases.....	15	1	.....	2	4	4	4	.....
Principal respiratory diseases.....	16	1	.....	1	1	5	6	2
Malformations.....	6	.....	1	.....	.....	2	2	1
Early infancy.....	45	5	9	5	5	10	7	4
Premature birth.....	20	2	4	5	2	3	2	2
Congenital debility.....	18	2	2	.....	2	6	5	1
Injuries at birth.....	7	1	3	.....	1	1	.....	1
Epidemic diseases.....	10	.....	.....	3	1	.....	3	3
External causes.....	1	.....	.....	.....	.....	.....	.....	1
Diseases ill defined or unknown.....	6	.....	.....	1	.....	2	2	1
All other causes.....	18	2	2	2	1	2	4	5

TABLE 5.—Births during selected year in each ward of residence, according to nationality of mother.

Nationality of mother.	Total births.	Ward of residence.						
		1	2	3	4	5	6	7
All mothers.....	1,247	128	126	149	156	226	300	162
Native mothers.....	613	83	82	79	75	98	109	87
Foreign-born mothers.....	634	45	44	70	81	128	191	75
Lithuanian.....	133	.....	.....	.....	.....	.....	118	15
Italian.....	118	10	17	2	23	35	6	24
Irish.....	60	7	16	7	26	16	9	9
Scandinavian.....	62	1	.....	35	16	3	4	3
Jewish.....	57	1	.....	1	5	46	2	2
English, Scotch, and Welsh.....	33	5	3	3	2	5	6	6
French Canadian.....	22	2	1	5	1	5	6	2
Other Canadian.....	60	14	7	9	5	4	13	8
Polish.....	20	1	.....	1	1	1	14	2
All other.....	39	4	.....	7	2	9	13	4

TABLE 6.—*Infants born during selected year to mothers of specified nativity and surviving at beginning of the month, number and per cent of infants dying subsequently in first year, and infant deaths in specified month of life, according to month of life and type of feeding in the month.*

Month of life and type of feeding.	Total infant survivors.	Subsequent infant deaths in—			Native mothers.				Foreign-born mothers.			
		First year.		Specified month.	Infant survivors.	Subsequent infant deaths in—			Infant survivors.	Subsequent infant deaths in—		
		Number.	Per cent.			First year.		Specified month.		First year.		Specified month.
						Number.	Per cent.			Number.	Per cent.	
First month....	1,210	117	9.7	57	601	61	10.1	34	609	56	9.2	23
Breast exclusively....	924	52	5.6	16	420	21	5.0	7	504	31	6.2	9
Mixed.....	20	3	15.0	1	11	2	18.2	1	9	1	11.1	1
Artificial exclusively....	233	29	12.4	7	149	17	11.4	5	84	12	14.3	2
Not fed, died at once.	33	33	100.0	33	21	21	100.0	21	12	12	100.0	12
Second month....	1,153	60	5.2	9	567	27	4.8	3	586	23	3.9	6
Breast exclusively....	815	25	3.1	4	363	9	2.5	1	452	16	3.5	3
Mixed.....	31	2	6.5	1	15	1	6.7	1	16	1	6.3	1
Artificial exclusively....	307	33	10.7	5	189	17	9.0	2	118	16	13.6	2
Third month....	1,144	51	4.5	10	564	24	4.3	5	580	27	4.7	5
Breast exclusively....	782	15	2.0	3	338	7	2.1	1	414	8	1.9	2
Mixed.....	38	2	5.3	1	16	1	6.3	1	22	1	4.5	1
Artificial exclusively....	354	34	9.6	7	210	16	7.6	4	144	18	12.5	2
Fourth month....	1,134	41	3.6	6	559	19	3.4	3	575	22	3.8	3
Breast exclusively....	650	10	1.5	1	281	5	1.8	1	369	5	1.4	1
Mixed.....	65	2	3.1	1	28	1	3.6	1	37	1	3.5	1
Artificial exclusively....	419	29	6.9	6	250	13	5.2	3	189	16	8.5	2
Fifth month....	1,128	35	3.1	6	556	16	2.9	1	572	19	3.3	5
Breast exclusively....	606	8	1.3	1	264	4	1.5	1	344	4	1.2	1
Mixed.....	83	2	2.4	1	35	1	2.9	1	48	1	2.6	1
Artificial exclusively....	437	25	5.7	5	257	11	4.3	1	180	14	7.8	4
Sixth month....	1,122	29	2.6	5	555	15	2.7	2	567	14	2.5	3
Breast exclusively....	554	6	1.1	1	239	4	1.7	1	315	2	.6	1
Mixed.....	111	1	.9	1	45	1	2.2	1	66	1	1.5	1
Artificial exclusively....	457	22	4.8	5	271	11	4.1	2	186	11	5.9	2
Seventh month....	1,117	24	2.1	3	553	13	2.4	1	564	11	2.0	2
Breast exclusively....	467	6	1.3	1	195	4	2.1	1	272	2	.7	1
Mixed.....	164	1	.6	1	74	1	1.4	1	90	1	1.1	1
Artificial exclusively....	486	17	3.5	1	284	9	3.2	1	202	8	4.0	1
Eighth month....	1,114	21	1.9	4	552	12	2.2	3	562	9	1.6	1
Breast exclusively....	424	4	.9	1	176	3	1.7	1	248	1	.4	1
Mixed.....	189	1	.5	1	86	1	1.1	1	103	1	1.0	1
Artificial exclusively....	501	16	3.2	3	290	9	3.1	2	211	7	3.3	1
Ninth month....	1,110	17	1.5	5	549	9	1.6	3	561	8	1.4	2
Breast exclusively....	368	3	.8	1	145	2	1.4	1	223	1	.4	1
Mixed.....	226	1	.4	1	109	1	1.4	1	117	1	.9	1
Artificial exclusively....	516	13	2.5	5	295	7	2.4	3	221	6	2.7	2

**TABLE 7.—Number and per cent distribution of births during selected year to gainfully employed mothers of specified nativity, according to earnings of mother during year following birth of infant.**

Earnings of mother.	All mothers.		Native mothers.		Foreign-born mothers.	
	Total births.	Per cent distribution.	Births.	Per cent distribution.	Births.	Per cent distribution.
All classes.....	244	100.0	84	100.0	160	100.0
Under \$150.....	127	52.0	33	39.3	94	58.8
\$150 to \$249.....	42	17.2	18	21.4	24	15.0
\$250 to \$349.....	35	14.3	12	14.3	23	14.4
\$350 to \$449.....	19	7.8	11	13.1	8	5.0
\$450 and over.....	9	3.7	3	3.6	6	3.8
Not reported.....	12	4.9	7	8.3	5	3.1

**TABLE 8.—Births during selected year in each father's earnings group, according to occupation of father.**

Occupation of father.	Total births.	Earnings of father.								
		Under \$450.	\$450 to \$549.	\$550 to \$649.	\$650 to \$749.	\$750 to \$1,049.	\$1,050 to \$1,249.	\$1,250 and over.	No earnings.	Not reported.
All occupations.....	1,247	41	115	122	414	308	95	137	6	9
Manufacturing and mechanical.....	849	28	93	102	294	214	62	47	2	7
Bakers.....	11	1				8	2			
Blacksmiths.....	4				1	3				
Builders and contractors.....	7					2	1	4		
Compositors, linotypers, and pressmen.....	6					2	4			
Electricians and electrical engineers.....	7				1	2	2	2		
Engineers, firemen.....	10		1		2	4	3			
Factory operatives:										
Shoe and shoe findings industry.....	634	20	73	87	245	148	37	20	1	3
Other industries.....	34	2	10	3	9	10				
Laborers, helpers, and apprentices.....	22	2	5	4	6	3			1	1
Machinists.....	16			1	4	5	5	1		
Manufacturers, officials, managers.....	24				1	5	1	15		2
Shoemakers and cobblers.....	4		1	1	1					
Skilled mechanics, building trades.....	50	1	1	4	16	17	6	4		1
Tailors.....	11	1	2	1	4	3				
Other pursuits.....	9	1		1	4	2	1			
Trade.....	189	6	6	9	48	36	8	43		
Deliverymen.....	49	2	3	3	30	11				
Laborers.....	3		1		2					
Proprietors, officials, etc., mercantile establishments.....	55	3	1	5	4	13	5	24		
Real estate and insurance agents.....	8					2		6		
Salesmen, commercial travelers.....	39	1	1	1	11	9	3	13		
Other pursuits.....	5				1	1		3		
Transportation.....	60	2	4	3	30	21	4	5		
Chauffeurs, teamsters, expressmen.....	27	1	1	2	21	2				
Conductors, motormen, and trainmen.....	18			1	6	10	1			
Laborers.....	5	1	3		1					
Post and telephone employees.....	8					3	3	2		
Proprietors, officials, managers.....	4				1	2		1		
Other pursuits.....	7				1	4		2		
Clerical occupations, all industries.....	56	1	1	3	12	17	9	12		1

### INFANT MORTALITY.

TABLE 8.—Births during selected year in each father's earnings group, according to occupation of father—Continued.

[illegible]

TABLE 9.—Number and per cent distribution of births during selected year in each father's earnings group, according to source and amount of family income.

[illegible]

**TABLE 10.**—*Live births in families of specified number of persons, according to earnings of father.*

Earnings of father.	Total live births.	Number of persons in family. <sup>a</sup>													
		1	2	3	4	5	6	7	8	9	10	11	12	14	
Total.....	1,210	4	439	277	202	109	70	61	25	19	8	3	2	1	
Under \$550.....	149	1	49	31	20	19	15	6	3	4	1	.....	.....	.....	
\$550 to \$949.....	110	1	36	24	22	14	4	9	4	1	1	.....	.....	.....	
\$950 to \$949.....	401	.....	152	80	61	44	27	14	12	5	2	1	1	.....	
\$950 to \$1,049.....	301	1	118	66	68	19	10	10	3	6	2	1	1	1	
\$1,050 to \$1,249.....	93	.....	28	36	11	7	3	4	2	1	1	.....	.....	.....	
\$1,250 and over.....	136	.....	51	38	22	6	8	7	1	2	1	1	.....	.....	
No earnings.....	5	1	1	.....	1	1	.....	1	.....	.....	.....	.....	.....	.....	
Not reported.....	9	.....	4	2	2	.....	1	.....	.....	.....	.....	.....	.....	.....	

<sup>a</sup> Excluding infant born during selected year.**TABLE 11.**—*Live births during selected year in dwellings of specified number of rooms, according to number of persons in dwelling.*

Persons in dwelling.	Total live births.	Number of rooms in dwelling.								
		2	3	4	5	6	7	8	9	10 or more.
Total.....	1,210	5	122	406	361	167	69	38	13	28
Persons in dwelling:										
2.....	372	4	39	117	81	24	4	3	.....	.....
3.....	272	.....	34	96	100	27	9	3	.....	3
4.....	226	.....	24	87	58	25	12	11	3	5
5.....	170	1	13	48	53	35	9	4	2	5
6.....	100	.....	7	33	18	21	13	1	1	6
7.....	64	.....	4	10	25	11	7	2	2	2
8.....	52	.....	1	12	14	11	3	9	2	.....
9.....	26	.....	.....	3	8	6	5	3	1	.....
10.....	16	.....	.....	.....	3	6	4	1	1	1
11 or more.....	12	.....	.....	.....	.....	1	3	1	1	6

**TABLE 12.**—*Births from all pregnancies, infant deaths, infant mortality rate, and per cent of stillbirths, according to order of pregnancy and age of mother.*

Order of pregnancy and age of mother.	Total births.	Live births.	Infant deaths.	Infant mortality rate. <sup>a</sup>	Stillbirths.	
					Number.	Per cent of total births. <sup>a</sup>
All pregnancies, all ages.....	3,703	3,608	389	107.8	95	2.6
Under 20.....	268	262	38	145.0	6	2.2
20 to 24.....	1,206	1,181	133	112.6	25	2.1
25 to 29.....	1,135	1,114	109	97.8	21	1.9
30 to 34.....	677	658	72	109.4	19	2.8
35 to 39.....	332	312	30	96.2	20	6.0
40 and over.....	79	76	6	.....	3	.....
Not reported.....	6	5	1	.....	1	.....
First pregnancy, all ages.....	1,241	1,211	126	104.0	30	2.4
Under 20.....	211	206	23	111.7	5	2.4
20 to 24.....	617	601	66	109.3	16	2.6
25 to 29.....	300	294	24	81.6	6	2.0
30 to 34.....	88	87	11	.....	1	.....
35 to 39.....	20	19	2	.....	1	.....
40 and over.....	1	.....	.....	.....	.....	.....
Not reported.....	4	3	.....	.....	1	.....
Second pregnancy, all ages.....	824	804	76	94.5	20	2.4
Under 20.....	47	46	10	.....	1	.....
20 to 24.....	358	354	40	113.0	4	1.1
25 to 29.....	267	260	17	65.4	7	2.6
30 to 34.....	110	107	4	37.4	3	2.7
35 to 39.....	40	35	4	.....	5	.....
Not reported.....	2	2	1	.....	.....	.....

<sup>a</sup> Not shown where base is less than 100.

TABLE 12.—*Births from all pregnancies, infant deaths, infant mortality rate, and per cent of stillbirths, according to order of pregnancy and age of mother—Continued.*

Order of pregnancy and age of mother.	Total births.	Live births.	Infant deaths.	Infant mortality rate. <sup>a</sup>	Stillbirths.	
					Number.	Per cent of total births. <sup>a</sup>
Third pregnancy, all ages.....	561	541	62	114.6	20	3.6
Under 20.....	8	8	4	.....	.....	.....
20 to 24.....	156	151	19	125.8	5	3.2
25 to 29.....	238	234	21	89.7	4	1.7
30 to 34.....	113	106	13	113.2	7	6.2
35 to 39.....	41	37	6	.....	4	.....
40 and over.....	5	5	.....	.....	.....	.....
Fourth pregnancy, all ages.....	378	367	43	117.2	11	2.9
Under 20.....	2	2	1	.....	.....	.....
20 to 24.....	57	57	6	.....	.....	.....
25 to 29.....	172	169	19	112.4	3	1.7
30 to 34.....	107	101	15	148.5	6	5.6
35 to 39.....	36	34	2	.....	2	.....
40 and over.....	4	4	.....	.....	.....	.....
Fifth pregnancy, all ages.....	252	248	29	116.9	4	1.6
20 to 24.....	15	15	2	.....	.....	.....
25 to 29.....	94	93	16	.....	1	.....
30 to 34.....	100	100	7	70.0	.....	.....
35 to 39.....	38	36	4	.....	2	.....
40 and over.....	5	4	.....	.....	1	.....
Sixth pregnancy, all ages.....	173	169	16	94.7	4	2.3
20 to 24.....	3	3	.....	.....	.....	.....
25 to 29.....	48	48	4	.....	.....	.....
30 to 34.....	68	67	7	.....	1	.....
35 to 39.....	46	43	3	.....	3	.....
40 and over.....	8	8	2	.....	.....	.....
Seventh pregnancy, all ages.....	116	114	16	140.4	2	1.7
25 to 29.....	13	13	6	.....	.....	.....
30 to 34.....	46	46	6	.....	.....	.....
35 to 39.....	41	39	2	.....	2	.....
40 and over.....	16	16	.....	.....	.....	.....
Eighth pregnancy, all ages.....	70	67	9	.....	3	.....
25 to 29.....	2	2	2	.....	.....	.....
30 to 34.....	24	23	4	.....	1	.....
35 to 39.....	29	29	3	.....	.....	.....
40 and over.....	15	13	.....	.....	2	.....
Ninth pregnancy, all ages.....	38	38	5	.....	.....	.....
25 to 29.....	1	1	.....	.....	.....	.....
30 to 34.....	14	14	1	.....	.....	.....
35 to 39.....	17	17	2	.....	.....	.....
40 and over.....	6	6	2	.....	.....	.....
Tenth pregnancy, all ages.....	27	26	4	.....	1	.....
30 to 40.....	5	5	2	.....	.....	.....
35 to 39.....	14	13	1	.....	1	.....
40 and over.....	8	8	1	.....	.....	.....
Eleventh pregnancy, all ages.....	13	13	2	.....	.....	.....
30 to 34.....	1	1	.....	.....	.....	.....
35 to 39.....	7	7	1	.....	.....	.....
40 and over.....	5	5	1	.....	.....	.....
Twelfth pregnancy, all ages.....	5	5	1	.....	.....	.....
30 to 34.....	1	1	1	.....	.....	.....
35 to 39.....	3	3	.....	.....	.....	.....
40 and over.....	1	1	.....	.....	.....	.....
Thirteenth pregnancy, all ages.....	4	4	.....	.....	.....	.....
40 and over.....	4	4	.....	.....	.....	.....
Fourteenth pregnancy, all ages.....	1	1	.....	.....	.....	.....
40 and over.....	1	1	.....	.....	.....	.....

<sup>a</sup> Not shown where base is less than 100

TABLE 19.—Births to mothers married specified number of years, stillbirths, and infant deaths, by number of births to mothers.

[illegible]





**TABLE 14.**—*Mothers reporting specified number of miscarriages, by number of pregnancies to mother.*

Pregnancies to mother.	Total moth- ers.	Mothers reporting specified number of miscarriages.							
		None.	1	2	3	4	5	6	7
All mothers.....	1,231	1,009	87	29	11	1	1	2	1
Pregnancies:									
1.....	392	392							
2.....	260	241	19						
3.....	179	164	13	2					
4.....	130	107	18	5					
5.....	74	61	10	1	2				
6.....	62	47	9	5	1				
7.....	47	35	5	5	2				
8.....	31	20	7	3	1				
9.....	18	9	3	4	2				
10.....	19	13	2	3	1				
11.....	8	6	1		1				
12.....	2	1							1
13.....	5	2		1	1		1		
14.....	3	1						2	
17.....	1					1			

**TABLE 15.**—*Mothers reporting specified number of stillbirths, by number of births to mother.*

Births to mother.	Total mothers.	Mothers reporting specified number of stillbirths.			
		None.	1	2	3
All mothers.....	1,231	1,147	76	5	3
<b>Births:</b>					
1.....	410	402	8		
2.....	261	250	10	1	
3.....	184	168	15	1	
4.....	121	108	12	1	
5.....	75	61	11	1	2
6.....	62	53	3		1
7.....	48	39	8	1	
8.....	32	27	5		
9.....	11	10	1		
10.....	12	11	1		
11.....	8	8			
12.....	3	1	2		
13.....	3	3			
14.....	1	1			

TABLE 16.—*Mothers reporting specified number of infant deaths, by number of live births to mother.*

Live births to mother.	Total mothers.	Mothers reporting specified number of infant deaths.					
		None.	1	2	3	4	5
All mothers.....	1,222	939	208	51	18	5	1
Live births:							
1.....	413	376	37				
2.....	268	226	39	3			
3.....	182	147	27	6	2		
4.....	119	76	31	11	1		
5.....	65	35	20	8	1	1	
6.....	66	32	19	11	4		
7.....	44	24	11	6	2	1	
8.....	28	12	13	2	1		
9.....	11	3	4		3	1	
10.....	11	4	5			1	1
11.....	10	2	1	2	4	1	
12.....	1			1			
13.....	3	1	1	1			
14.....	1	1					

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No. 2. Children's Year, Weighing and Measuring Test:  
Part 1. Suggestions to Local Committees. 8 pp. 1918. Bureau publication No. 38.  
Part 2. Suggestions to Examiners. 4 pp. 1918. Bureau publication No. 38.  
Part 3. Follow-up Work. 7 pp. 1918. Bureau publication No. 38.  
No. 3. Children's Year Working Program, prepared in collaboration with the Department of Child Welfare of the Woman's Committee, Council of National Defense. 12 pp. 1918. Bureau publication No. 40.  
No. 4. Patriotic Play Week. Suggestions to Local Committees. 8 pp. 1918. Bureau publication No. 44.  
No. 5. Children's Health Centers. 7 pp. 1918. Bureau publication No. 45.  
No. 6. The Public Health Nurse: How She Helps to Keep the Babies Well. 7 pp. 1918. Bureau publication No. 47.  
No. 7. Back-to-School Drive, prepared in collaboration with the Child Conservation Section of the Field Division, Council of National Defense. 8 pp. 1918. Bureau publication No. 49.  
No. 8. Suggestions to Local Committees for the Back-to-School Drive, prepared in collaboration with the Child Conservation Section of the Field Division, Council of National Defense. 8 pp. 1918. Bureau publication No. 50.  
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Circular No. 2, June 30, 1918. Decision of the United States Supreme Court as to the Constitutionality of the Federal Child-Labor Law of September 1, 1916. 16 pp. 1918.

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U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU  
JULIA C. LATHROP, Chief

APRIL 6  
1918

CHILDREN'S YEAR

APRIL 6  
1919

APRIL AND MAY  
WEIGHING AND MEASURING TEST

PART I  
SUGGESTIONS TO LOCAL COMMITTEES



CHILDREN'S YEAR LEAFLET NO. 2, PART I  
Bureau Publication No. 38



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1918

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## APRIL AND MAY

### WEIGHING AND MEASURING TEST

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#### SUGGESTIONS TO LOCAL COMMITTEES<sup>1</sup>

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#### COOPERATION.

The whole program for the Children's Year looks toward using the help of every agency interested in child welfare and of every organization representative of the varied interests of the community. Therefore in organizing the local work for the Weighing and Measuring Test, which is suggested as the first activity for the Children's Year, the attempt should be made by the local committees of the State committee on child welfare of the council of National Defense to obtain the cooperation of all local organizations.

The number and names of the cooperating organizations will vary greatly; in the larger towns and cities the list will ordinarily include the mayor and city officials; the city health department, especially its division of child hygiene or child welfare, if this exists; all women's organizations; the school board and principals and teachers of the schools; the local medical society; the local infant-welfare society; the local visiting-nurse society; the churches; all charitable organizations and settlements; the Camp Fire Girls; the Boy Scouts; the playground authorities; the newspapers; chamber of commerce; labor unions; fraternal orders; other men's organizations, etc.

In a county campaign the help also of all county officials and organizations should be sought—the county commissioners; the county health officer, nurse, and demonstration agents for agriculture and home economics; the county medical society; the county superintendent of schools; etc.

#### ORGANIZATION.

Experience has shown that every community knows best how to organize its own committees. Moreover, the character of the subcommittees will vary with the method of carrying out the test, the size of the community, and the additional work undertaken.

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<sup>1</sup> A separate pamphlet, *Suggestions to Examiners*, is published by the Children's Bureau as Part 2 of this publication and should be distributed to physicians and others who are conducting the test.

The following outline of subcommittees of the local defense committee may be useful:

*Executive committee.*

*Publicity committee.* If the Weighing and Measuring Test is to be successful, it must receive wide publicity in advance.

*Finance committee.* However inexpensive the campaign may be, a few essentials will have to be provided.

*Enrollment committee.* In charge of enrolling children to be examined.

*Committee on place and equipment.* This committee will be responsible for finding suitable places to hold the Weighing and Measuring Test, for procuring the essential equipment—scales and measuring apparatus—and for sending a request to the Children's Bureau for the necessary number of examination cards, blanks, and suggestions to examiners.

Further details of these duties are discussed on page 6.

### SAFEGUARDING AGAINST CONTAGIOUS DISEASE.

In whatever manner the weighing and measuring is carried out, the most important thing is to provide conditions which are safe and comfortable for the children.

The bringing together of a large number of children always involves a risk of spreading infection, which is especially great at the time of any general epidemic, such as of measles, whooping cough, infantile paralysis, grippe, or any other contagious disease. Where such an epidemic is present, or where there is any special reason to fear one, it is better to have the parents (or their own physician) carry out the test in the children's homes. At any rate, in such cases the local or State public health authorities should be consulted before the plans are made.

At all times, even in the absence of any epidemic, great care should be taken to prevent the spreading of infectious diseases. This can be done if certain precautions are observed. Every effort should be made to prevent the crowding together of a large number of children. This can be accomplished if the children are examined by appointment only, the appointments being made in advance. Not more than two or three children, with their mothers, should be admitted to the waiting room at the same time. It has been the experience with children's health conferences in the past that, when appointments are not made and the conference is popular, the rooms are sometimes crowded with mothers and babies awaiting their turn; many of them, after remaining several hours, go home without the examination. It is obvious that such conditions are very undesirable.

Moreover, children suffering from contagious diseases or those who have recently been exposed to them should not be brought to be weighed and measured. This fact should be made known in all the publicity material. In addition, a nurse should be given the duty of looking over every child as he comes in and of excluding those with any evidence of contagious disease, including bad colds. As the test may be carried on throughout a considerable period (60 days), parents may be assured that they will have the opportunity of having their children who are not eligible at one meeting examined later.

### **METHODS OF CARRYING OUT THE TEST.**

Methods will vary in communities of different sizes. A special set of suggestions for committees in large cities will be furnished by the Children's Bureau on request.

Three ways of carrying out the test are suggested; committees will choose the method which is most appropriate to local conditions:

1. In connection with children's health conferences.
2. At one or more centers, but without a children's health conference.
3. Through the giving out of individual cards to parents.

#### **The Weighing and Measuring Test in connection with children's health conferences.**

It is hoped that in many communities the Weighing and Measuring Test may be held in connection with children's health conferences, where the children are given a full physical examination by experienced physicians. A pamphlet of directions on how to conduct such a conference has been issued by the Children's Bureau.<sup>1</sup> If this plan is followed, two record cards will be filled out for each child:

- a. The Weighing and Measuring Test record card, one-half of which is given to the parents and one-half returned to the Children's Bureau.
- b. The detailed record of the physical examination, which is filled out by the examining physician and returned to the mother.

#### **The Weighing and Measuring Test without a children's health conference.**

In many communities a shortage of physicians may make it impossible for them to give enough time to hold conferences. In this case, the test without the more detailed examination may be carried on at one or more centers throughout the community.

<sup>1</sup>Bradley, Dr. Frances Sage, and Sherbon, Dr. Florence Brown: *How to Conduct a Children's Health Conference*. U. S. Children's Bureau Publication No. 23, Miscellaneous Series No. 2. Washington, 1917.



In cities having infant-welfare centers or stations, arrangements may be made to have at least part of the weighing and measuring done at these centers on certain days.

In cities not having such centers, other places may be chosen—a public library, woman's club, courthouse with public rest rooms, school building, or other public rooms. A school building may be opened all day on each Saturday, during the 60 days, for the weighing and measuring. In large and even in medium-sized cities it will probably be found advisable to establish a number of centers where the test may be carried out on certain days of the week or on every day throughout a certain period. A neighborhood committee of residents in each district should be appointed in order to help with the test and to make it known.

It is hoped that the Weighing and Measuring Test will be carried out in the country just as widely as in the city. County chairmen may arrange for many centers scattered throughout the county; each school district may organize to hold the test in a rural school, perhaps on each Saturday throughout the 60 days; and neighborhood tests may be arranged, all the children of a neighborhood being invited to one house.

In carrying out the Weighing and Measuring Test many of the arrangements will be similar to those advised for a children's health conference. Committees should therefore read over with care the pamphlet on How to Conduct a Children's Health Conference.

Enrollment in advance should be as carefully carried out for the test as for a conference. The importance of this can not be too much insisted upon. More children may, however, be enrolled than for a conference, as each examiner can weigh and measure from six to eight children in an hour. (For further suggestions as to details of enrollment, see page 7 of How to Conduct a Children's Health Conference.)

The committee may arrange the time for holding the test in any one of several ways. The weighing and measuring may be carried on every day for several days or one or more weeks, until all children whose parents desire appointments have been measured; or one or more days in a week may be set aside for the work during the whole period of two months—April 6 to June 6.

### **The Weighing and Measuring Test by parents at home.**

Where it is considered impossible to arrange for centers of any kind for weighing and measuring the babies and children, a committee may carry out the test by obtaining a supply of cards from the Children's Bureau and giving them to parents to be filled out by themselves or by their family physicians. The committee should see that the second half of the card is returned to the Children's Bureau. The committee may collect this portion of the cards given out and, at the

end of the period of the test, send them in a package under frank to the bureau; or it may direct the parents using the cards to mail the second half direct to the bureau. (This portion of the card is franked and requires no postage.)

The committee should take pains to make known by all means possible—newspaper articles, announcements at meetings and churches, letters to mothers, window cards, etc.—that record cards may be obtained by parents who wish to carry out the test. The name and address of the person from whom the cards can be obtained should be clearly stated.

Even in communities where the Weighing and Measuring Test is carried out at conferences and centers, it is possible that a certain number of parents will find it impossible to bring their children to the centers and will wish to obtain record cards to make the test themselves. All committees, therefore, should arrange to give out record cards for this purpose.

### **CERTAIN DETAILS OF THE WORK OF COMMITTEES.**

#### **Publicity.**

In whatever way the test is conducted, ample publicity should be arranged for through newspaper articles, announcements in churches and meetings, notices given out in schools and carried to parents by the school children, personal letters and telephone messages to parents. A series of articles on the Weighing and Measuring Test which may be suggestive for newspaper articles will be sent on application to the Children's Bureau. (For additional suggestions, see page 5 of *How to Conduct a Children's Health Conference*.)

#### **Record Cards.**

These may be obtained, free of charge, on application to the Children's Bureau, United States Department of Labor, Washington, D. C. The chairman in charge of this part of the work should estimate carefully how many cards will be required and should write at once to the bureau stating clearly—

- (1) Name and address to which cards are to be sent.
- (2) Number required.
- (3) Date of holding test (if this has been decided upon).

The record cards are arranged in two sections; one section is to be torn off and retained by the parents of the child examined, the other is to be returned to the Children's Bureau. The information on the cards will be tabulated by the bureau and will give an indication of the health of the Nation's children.

The cards to be returned to the bureau should be collected during the course of the test and, when the test is completed in the community, they should be sent to the bureau in a package, using the

franked label which will be sent out with each order of cards. The committee should, in addition, keep a permanent record of the children examined—of their ages, their heights, and their weights. From this list the committee can prepare a report for immediate use in the community, stating what percentage of the children examined came up to the average of height and weight. The list will also be important for carrying out follow-up work after the test.

This information may be entered on the report sheets which will be sent out with each order of cards.

*Committees are urged to make up their permanent records promptly* and then to send in the package of original cards to the Children's Bureau.

### Equipment.

The equipment essential for the test is simple:

1. Standard scales, the accuracy of which has been tested. Platform scales for weighing older babies and children are essential. Besides these, scales with a scale pan for weighing young babies are desirable but not essential.

2. Measuring rod or measuring apparatus and tape measures. Many standard platform scales are equipped with a measuring apparatus, and various devices for measuring the height of babies have been prepared. One of these is described on page 11 of "How to Conduct a Children's Health Conference." These, however, are not essential. A good supply of tape measures is essential.

In addition, the following should be provided at centers where many children are examined:

A table for measuring the babies. An ordinary deal table 45 inches long is perfectly satisfactory; it should be covered with a pad or folded quilt, an oilcloth, and a cotton sheet. This in turn should be protected by a fresh paper towel for every child.

A small table or desk for filling out the records.

A supply of milliner's paper bags, one of which is given to each mother to hold her child's clothing.

A supply of paper towels, both for the examiner's hands and for use on the table and in the pan of the scales. These should be changed after each examination.

A supply of canton-flannel squares (1½ yards) to wrap around the babies whose mothers have come unsupplied with towels.

Facilities for washing hands.

A supply of wooden tongue depressors and a thermometer for the use of the nurse who, as the children are brought in, looks them over for any evidence of contagious disease.

**Securing examiners.**

In order that the weighing and measuring may be uniform throughout the country, the Children's Bureau has prepared *Suggestions to Examiners*.<sup>1</sup> Copies of this pamphlet should be secured by the committee and distributed to those who conduct the test.

When possible, children should be weighed and measured by physicians. The committee should enlist the interest of the local medical society and invite its members to take part in the test. A statement should be obtained from each as to the days and hours he or she would like to serve. Each doctor should agree to furnish a substitute if, for any reason, the appointment can not be kept. It is hoped that physicians will look upon this work as patriotic service.

Because of the shortage of physicians, it may not be possible to have all the tests made by physicians. Nurses, especially those who have had experience in infant-welfare work, should then be asked to make the test. In any case, it is very desirable to have nurses to assist, and especially to be present in the reception room to look over the children as they are brought in, in order to avoid the spread of contagious disease.

Where it is impossible to have the help of either physicians or nurses, the weighing and measuring may be done by a committee of women. Such a committee will find the work easier if, before the beginning of the test, they rehearse the procedure of weighing and measuring, if possible under instruction by a physician or nurse.

In connection with the Weighing and Measuring Test special use could be made of the Home Health Volunteers enrolled under the Woman's Committee of the Council of National Defense. Information about the H. H. V. can be secured from the Child-Welfare Department of the Woman's Committee, 1814 N Street NW., Washington, D. C.

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<sup>1</sup> *Children's Year, Weighing and Measuring Test: Part 2. Suggestions to Examiners.* U. S. Children's Bureau Publication No. 39, *Children's Year Leaflet No. 2, Part 2.* Washington, 1918.



May 2, 1918.

From

~~United States Government~~

U. S. DEPARTMENT OF LABOR

CHILDREN'S BUREAU

JULIA C. LATHROP, Chief



APRIL 6  
1918

CHILDREN'S YEAR

APRIL 6  
1919

APRIL AND MAY  
WEIGHING AND MEASURING TEST

PART 2  
SUGGESTIONS TO EXAMINERS

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CHILDREN'S YEAR LEAFLET NO. 2, Part 2

Bureau Publication No. 38



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1918

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## APRIL AND MAY

### WEIGHING AND MEASURING TEST

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#### SUGGESTIONS TO EXAMINERS<sup>1</sup>

*Examiners should wash their hands before examining each child.*

#### **Weighing.**

Children under 5 years should be undressed and weighed without clothing or wrapped in a thin sheet or towel, the weight of which is deducted. Children over 5 years should be weighed in their ordinary indoor clothing. Young babies, unable to stand, should be weighed if possible on scales equipped with a scale pan. A fresh paper towel should be laid in the pan and changed after each child is weighed. Where only large platform scales are available, a baby old enough to sit or stand may be set on the platform of the scale, on which is spread a fresh paper towel. If the baby is not old enough to sit alone, an adult holding the baby may be weighed and the weight of the adult deducted.

#### **Measuring.**

All children should be measured without shoes.

To measure children able to stand: If the scales used are equipped with a measuring apparatus it should be used. Where this is not available, the child should be asked to stand against the wall with the heels and the back of the head touching the wall. His height is obtained by holding a book or small box horizontally on top of his head against the wall and measuring the space between the bottom of the book or the box and the floor. A convenient method is to tack a tape measure perpendicularly on the wall, beginning at the floor, and to measure by this.

To measure babies unable to stand: An apparatus for measuring babies and young children may be made by nailing a headboard firmly across one end of the examination table. To this board attach one end of a linen tape measure and secure the other end firmly across the sheet which covers the table. Provide also a book end—one of the cheap, enameled kind sold for office use. The length of the baby may be quickly and accurately found by laying him upon the examination

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<sup>1</sup> If the test is given in connection with a children's health conference, examiners should read also "How to Conduct a Children's Health Conference," Children's Bureau Publication No. 23.

table, directly over the tape measure, with his head resting firmly against the headboard. Be sure that the baby is lying flat on the table, completely relaxed. The legs must not be bent at the hips or knees. Press the enameled book end squarely against the feet and read his length as indicated upon the tape measure. More elaborate types of apparatus on the same principle have been devised and are used in the same way. A baby may also be measured by laying him on a table and measuring between two books held one at the head and the other at the feet.

### Filling out Record Card.

*Part I. To be retained by the parents.*—Care should be taken to fill out every space on this card which requires an answer. In stating whether the child is above or below the average height and weight for his age, "Height: Average, above, below. Weight: Average, above, below," the examiner should compare the height and weight recorded for the child with those given in the table on the back of the card for a child of the same age. This table represents the average height and weight of a large number of normal children. If the child's height is greater than that given for a child of the same age in the table the examiner should check the word "above"; if it is less, he should check the word "below." In the same way, the weight of the child is compared with the weight given for a child of the same age in the table, and the word "above" or "below" checked according to that which applies.

In the table, heights and weights are not given for every month of the child's age over 48 months; for instance, the heights for 6 years and 7 years are given, but not the height for 6 years 7 months. For a child over 4 years of age, use the age at his last birthday.

In answer to the question, "Is the child's weight above, below, or equal to the average weight for his height?" the examiner should check "average," "above," or "below," as the case may be. To determine which is the case the examiner should compare the weight of the child examined with the weight which corresponds in the table to the height of the child. For example, a boy may be examined whose height is  $31\frac{1}{2}$  inches and whose weight is 22 pounds; on the table of heights and weights of boys, the weight which corresponds to the height of  $31\frac{1}{2}$  inches is  $24\frac{1}{2}$  pounds. Hence, the weight of the child is below the average for his height. Trifling variations from the average of height and weight are not important. Should there be any great divergence from these standards it is a warning that the child's health should be given medical consideration or should be carefully looked after. If such deviation is found, examiners should advise that the child be taken to the family physician for a thorough examination.

After "Remarks" the examiner, if a physician, should state any recommendations which he wishes to make to the parents if any abnormality is noticed in the child. He should not, however, give medical advice nor prescribe treatment; but if the need of treatment is indicated, he should recommend that the child be taken to the family physician or to a specialist for examination.

"Signature": Here the examiner should sign his or her name. If a physician, "M. D." should be written after the name.

Space is left on the card for the record of subsequent examinations. It is suggested that parents continue the record every six months or every year until the child is grown. Such a record will be of the greatest value to parents as showing how the child is growing and developing; and examiners should emphasize this fact when returning the card to the parents.

*Part II. To be returned to the Children's Bureau.*—The directions for filling out given on the card make further suggestions unnecessary for the most part.

The question, "Is the child apparently healthy and free from serious defect?" is to be answered only if the examiner is a physician. If the answer to this question is "No," the physician should write in the space after "Remarks" the name of the disease or defect suspected.

"Signature": Again the examiner should sign his or her name. If a physician, "M. D." should be written after the name.





U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, Chief

APRIL 6  
1918

CHILDREN'S YEAR

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1919



APRIL AND MAY  
WEIGHING AND MEASURING TEST

PART 3  
FOLLOW-UP WORK



CHILDREN'S YEAR LEAFLET NO. 2, Part 3

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## APRIL AND MAY WEIGHING AND MEASURING TEST.

### FOLLOW-UP WORK.

Follow-up work for the Weighing and Measuring Test should center in improving the nutrition and care of the child in his own home, and in the employment of public-health nurses.

The purpose of the Weighing and Measuring Test is to aid a community in saving its quota of the 100,000 lives of children under 5 years to be saved in this country during the second year of the war. It is hoped that it will accomplish this object: First, in a specific way, by drawing the attention of parents, physicians, public-health nurses, and the community to the babies and children under school age who are shown to be under-nourished—that is, who are under the average weight for their height—or who are discovered to have defects or diseases; second, in a general way, by drawing the attention of everyone in the community to the work of Children's Year and to the need of public-health nurses and of centers for infant and maternal welfare. No Weighing and Measuring Test will accomplish these objects unless follow-up work, both specific and general, is made the most important part of the campaign.

#### *1. Follow-up Work With Children Shown by the Test to Be Underweight.*

##### **1. Records.**

One-half the record card is to be given to the parents; the other half is to be returned to the Children's Bureau. If a permanent record is to be kept in the community, the most important points should be copied from the cards before they are returned to the bureau. Some committees will wish to keep records of all examinations made; this will be possible only when small numbers of children are weighed and measured. Where many children are tested it would involve some expense and considerable clerical work. Since it is desirable to have the Test carried on with comparatively little labor and expense in order that practically all money and labor may be concentrated on permanent child-welfare work in the community, it will probably be wise not to attempt to copy the information from all the cards. But a *permanent record should be kept of every child found to be under weight for his or her height*. This is essential in order that follow-up work may be done.

Of course each community will keep a precise record of the total number of examinations made so as to show what proportion are found to be under weight.

The information may be copied on sheets of paper, a suggested form for which has been sent out with the cards; or where a committee wishes to undertake the added expense it may be copied on separate cards, the questions on the original cards being mimeographed or typewritten on the separate cards. A suggested form for such a card will be found at the end of this leaflet.

## **2. Special Follow-up Work With Individual Children.**

The most important information on the card (besides that necessary to identify the child) deals with these facts: Is the child's weight below the average for his age, and, if so, how much? Is the child's weight below the average for his height, and, if so, how much? The height and weight of a child are a rough indication of his development and nutrition. If a young child's weight is considerably (2 pounds or more) below the average for his age this should be noted as an important fact. A still more important fact to be noted, however, is whether or not the child's weight is below the average for his height. Many children because of inheritance, the results of contagious or other diseases in early life, or other causes, are below the average height for their age; others on account of inheritance or because of favorable influences are above the average height. For instance, a child of 5 years may be only the height of a 3-year-old child. It would manifestly be wrong to demand that this child weigh as much as a 5-year-old child. He should, however, weigh as much as the average child of his height. If a young child's weight is much (2 pounds or more) below the average for his height, this should be a warning that the child's nutrition is not normal. When the weight falls markedly below the average, the child should be examined by a physician to see whether some fault in hygiene or diet, or some defect or sickness, is causing the malnutrition.

The committee in charge of the weighing and measuring test should make clear through the press, through meetings, lectures, etc., the significance of any such marked deficiency in weight. Through these means parents should be urged to take children found to be subnormal to their family physician, to infant-welfare stations, or to children's clinics for a thorough examination, and, if necessary, for treatment. In communities where there are public-health nursing or infant-welfare associations, the help of their nurses may be secured.

## ***II. Securing Public Interest in the Report of the Test.***

The committee should prepare a short report giving the total number of children examined in the test, and the number of these who were found to be underweight for their height. This summary will give the community an estimate of the nourishment of its children. This information may be presented at a mass meeting of the citizens and should also be given as much newspaper publicity as possible.

**Graphic presentation of the facts by means of charts and maps may be of help. The mass meeting may well be the first step in pointing out, from the facts disclosed in the test, the need for work for the protection of babies and young children; especially the need for *public-health nurses* and volunteer help to assist them.**

### ***III. Community Child-Saving Measures Important as Follow-up Work.<sup>1</sup>***

#### **1. Public-Health Nurses.**

Each community in each State has its quota of lives of young children to save during the year's campaign to save 100,000 lives in the second year of the war. Public-health nurses have been proved to be the most important means of saving the lives of babies, young children, and their mothers. In England and Wales, where the infant mortality rate for 1916—the second year of the war—was brought down to 91 per 1,000 births (the lowest point on record for England), an effort has been made from the beginning of the war to have one full-time health visitor (corresponding in many ways to our infant-welfare nurses) for every 500 births reported annually.

It is urged that follow-up work for the Weighing and Measuring Test and for Children's Year be concentrated on placing a good public-health nurse in each community and in each rural county and on increasing the number of these nurses, if necessary, where the work is already established. One city in the Middle West, with a population of about 125,000, and a little over 3,000 births in 1915, reported five nurses giving full time to infant-welfare work, or one nurse for 600 births. The infant mortality rate in this city was in 1915, 71 per 1,000 births—19 points below the rate for the birth registration area in that year. Since 1915 the number of nurses in this city has been further increased.

Every effort should be made to raise funds, either by private subscription or through public appropriation, to support a nurse to do infant-welfare and prenatal work and other public-health nursing. If enough money can not be raised to support a nurse for a year, a great effort should yet be made to raise enough to support one for four or six months—if possible during the summer months, when in crowded communities the danger to babies and young children is greatest. If a good nurse is selected her work will demonstrate its value to the community.

A pamphlet on public-health nursing makes the following statement: "Every community has resources which become more accessi-

<sup>1</sup> See also *Baby Week Campaigns*, pp. 94 ff., issued by the U. S. Children's Bureau. The bureau has a number of other publications on these subjects now available or in preparation, which will be sent on request. In addition, the bureau will gladly answer questions in regard to the organization and carrying out of these activities.

ble when once it is convinced of the value of the nurse's work. For this reason it is advised that if six months' salary is available the work should be put under way. This is the best method of educating a community to the need and usefulness of a visiting nurse."

The cost of employing a public-health nurse depends somewhat on local conditions. The salary of a nurse qualified to do this work varies between \$75 and \$125 a month. In addition, allowance must be made for transportation, telephone, and incidental expenses.

The cost of a nursing service is in some cases met by private subscription, in others by public funds, in others by a combination of the two. Many boards of education and health departments, city or county, now employ nurses; and there is a constant tendency for them to take over the work of private organizations. In several States laws have recently been passed allowing county boards of supervisors to appropriate money for the employment of nurses.

The National Organization for Public-Health Nursing, 156 Fifth Avenue, New York City, stands ready to help any State or local organization that desires its assistance.

Associations in small towns and in rural districts may obtain special help from the Town and Country Nursing Service of the American Red Cross, Washington, D. C. Committees associating their work with the Red Cross through affiliation will receive assistance in organizing and in securing nurses especially qualified for work in such communities.

A circular, which is in preparation and which may be obtained from the Children's Bureau for distribution, will describe the work of such nurses in more detail and will give further information as to the cost of a nursing service.

At present, because so many nurses have been called into military service, it is often hard to find good public-health nurses to fill positions. Plans are being made by committees and organizations interested in public-health nursing to increase the supply of nurses.

## **2. Home Health Volunteers.**

A circular previously issued by the Child-Welfare Department of the Woman's Committee of the Council of National Defense gives details in regard to the organization and enlistment of Home Health Volunteers.

The work of the trained public-health nurse may everywhere be made to "go further," if volunteer assistance is given her in carrying out certain parts of her work which do not need professional experience. Office work, doing errands, taking patients to clinics, automobile service, and home work under the direction of the nurse are all ways in which volunteers can make the work of the public-health nurse in baby saving more effective.

In foreign countries, such volunteer work for infant welfare is recognized as war work of the first importance. It is said that in Berlin, in 1916, 6,000 volunteers were assisting in the work of safeguarding mothers and babies. In each local sanitary district in England a large proportion of the successful service for child welfare is volunteer.

### **3. Infant-Welfare Stations.**

The establishment or development of infant-welfare stations or centers and prenatal centers is valuable follow-up work. At these centers mothers can obtain medical advice and supervision in the care of themselves and their babies.

### **4. Confinement Care.**

Provision should be made in each community for proper medical and nursing care in hospital or at home for mothers at confinement.

### **5. Birth Registration.**

The advantages of prompt, complete birth registration are described in the Children's Bureau pamphlet, "Birth Registration: An aid in protecting the lives and rights of children."

A leaflet describing how a community can test the adequacy of its birth registration may be secured from the Children's Bureau. Such a test is valuable in any community not included in the birth registration area of the United States Bureau of the Census.

### **6. Community Studies of Infant Mortality.**

The Children's Bureau is preparing an outline for a community study of infant mortality, of existing provisions for safeguarding young children, and of the need for further work. It will be sent on request to committees wishing to undertake such work.

### **7. Divisions of Child Hygiene.**

The establishment of divisions of child hygiene in State and local departments of health will be important in making permanent the work of Children's Year.

### **8. Safeguarding the Milk Supply for Children.**

The importance of milk in the diet of children is emphasized in the Children's Bureau pamphlet entitled "Milk: The Indispensable Food for Children."

### **9. Courses in Child Care.**

Courses in the care and feeding of children may take the form of lectures or club meetings for women or of school courses or Little Mothers' Leagues for young girls.

These are suggestions for the most part for community action. The bureau does not ignore the fact, however, that no measures for the prevention of infant mortality can be satisfactory unless the





U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, Chief

JUVENILE DELINQUENCY  
IN  
CERTAIN COUNTRIES AT WAR

A BRIEF REVIEW OF AVAILABLE  
FOREIGN SOURCES

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DEPENDENT, DEFECTIVE, AND DELINQUENT CLASSES SERIES No. 5

Bureau Publication No. 39



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## LETTER OF TRANSMITTAL.

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U. S. DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU,  
*Washington, March 6, 1918.*

SIR: In the study of child welfare in warring countries which the Children's Bureau has been carrying on since the declaration of war by the United States, frequent references have been found to the effect of war upon children's behavior and upon community measures for the prevention and the treatment of juvenile delinquency. The available material about juvenile delinquency in certain foreign countries during the war has been summarized in the following report.

The reading for this report was done by Miss Mary D. Hopkins with a corps of assistants assigned to individual countries as follows: Mrs. Marie Francke Smith, England; Mrs. Charlotte E. Kruesi, France; Dr. Frank H. Pike, Germany; Miss Anna Kalet, Russia. The text of the report was written by Miss Anna Rochester.

Respectfully submitted.

JULIA C. LATHROP, *Chief.*

Hon. W. B. WILSON,  
*Secretary of Labor.*



# JUVENILE DELINQUENCY IN CERTAIN COUNTRIES AT WAR.

## INTRODUCTION.

That juvenile delinquency in European countries has increased during the war is indicated by the testimony of social workers, judges concerned with children's cases, and students of criminology. Available statistics of increase are incomplete and unsatisfactory, but such as they are they tell almost everywhere the same story of an increasing number of children brought to court and an increasing seriousness in their offenses. Not only from the allies in western Europe but from Germany and from Russia come reports of special efforts to combat a growing evil.

The current discussion in foreign reports and reviews indicates something of the distinctive problems in each country. Our data are of necessity too scattered and haphazard to permit a fair comparison, but it seems worth while to review briefly the causes of increase and the suggested measures of prevention discussed by the experts of various countries whose published statements are available to us in America. They may well serve to remind us that when the normal life of children is broken down, when their needs are neglected by the community, children and community alike must pay the penalty.

## ENGLAND.

In May, 1916, Sir Edward Troup, undersecretary of state at the Home Office, sent to all clerks to the justices throughout England a letter which opened with the following statement:<sup>1</sup>

SIR: I am directed by the secretary of state to say, for the information of your justices, that he has had under consideration representations respecting the recent increase in the number of offenses by children and young persons (under 16 years of age),<sup>2</sup> and that he finds, from inquiries which have been made of the police of 17 of the largest towns, that comparing the three months December, 1914, to February, 1915, with the three months December, 1915, to February, 1916, the total number of children and young persons charged with punishable offenses has grown from 2,686 to 3,596, and that the increase has been experienced in practically all the towns consulted. The increase in the number of juvenile offenders is mainly caused by an increase of nearly 50 per cent in cases of larceny, but there were also more charges of assault, malicious damage, gaming, and offenses against the education acts.

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<sup>1</sup> The Child, July, 1916, p. 510.

<sup>2</sup> A "child" is under 14 years of age; a "young person" is 14 but under 16 years of age.

Mr. Cecil Leeson, secretary of the Howard Association of England, warns us, in his book on "The Child and the War," that the number of children charged with offenses may not be identical with the number of children who have actually offended, but he says that an analysis of court records by the Howard Association leads him to believe that "if anything, these figures understate, rather than overstate, the gravity of the situation."<sup>1</sup>

The reports for 1914 and for 1915 of the chief inspector of reformatory and industrial schools show larger numbers of children (especially boys) committed to these institutions in 1915 than in either of the two years preceding. For the same years, the records of the juvenile courts in certain Yorkshire cities (the only cities for which such figures happen to be available) show an increase not only in the number of children sent to institutions but in the number kept under supervision.<sup>2</sup>

But why this increase? Certain causes are suggested by all writers on the subject: The absence of fathers with the army, and of mothers in the factory; the crowding of school buildings and reduction to half-time schedules. Mr. Leeson tells us: "About 1,200 school buildings have been taken for hospitals, and their pupils distributed among neighboring schools, with the result that school hours are curtailed \* \* \*. The bearing of this on juvenile delinquency is seen when it is remembered that the child's extra leisure coincides with his parents' entire lack of leisure, owing to war work."<sup>3</sup> Leaders have been drawn away from schools and clubs; parks and playgrounds have been closed; children have had higher wages, and the extraordinary demand for labor has intensified the sense of freedom from discipline which comes to a child with independent wage earning.

The final report of the Departmental Committee on Juvenile Education in Relation to Employment after the War notes an increase in gambling and extravagance. It speaks of the deterioration in behavior and morality among young people and, in this same connection, of the overtaxing of their powers by excessive hours of strenuous work. The lowered moral tone resulting from overfatigue is of course a fact of common knowledge. On the other hand, the chief inspector of reformatory and industrial schools, Charles E. B. Russell,<sup>4</sup> comments on the better food and resulting greater energy that the war-time prosperity has brought:

The truth is that for many reasons opportunities for misapplied energy on the part of young people are much greater than before the war. There is more energy also to respond to the opportunity, for boys living in the crowded districts are in general, owing to the immensely increased wages of their

<sup>1</sup> The Child and the War, p. 15.

<sup>2</sup> Yorkshire Post, Leeds, Dec. 4, 1916.

<sup>3</sup> The Child and the War, p. 29.

<sup>4</sup> The Child, Mar., 1917.



parents, better fed, better clad, and consequently healthier and more physically vigorous than they were. At the same time many of the ordinary restraining influences upon irregular displays of physical vigor have for the time vanished. \* \* \* There is unrest more or less marked in every home, whilst the pictures in the halfpenny illustrated papers—practically the only newspapers these boys see—tell of excitement and sensational adventure. Small depredations of all kinds may be committed in the darkened streets with extraordinary impunity, and often are committed by high-spirited children as much for the fun of the thing as from covetousness.

For the children who have become offenders the situation has been especially serious. "Many agencies which have done good work among children in various directions are now carrying on their labors under difficulty, owing to the absence at the war of their usual helpers and supporters. For example, the probation system, which obviously depends for its success mainly on the judgment of the probation officer and the interest taken by him in his work, has lost many of the most experienced officers, and it is difficult to obtain satisfactory substitutes."<sup>1</sup>

And the chief inspector of reformatory and industrial schools speaks of the disadvantages under which institutions have labored: "The year 1915 has, owing to the continuance of the war, been one of increasing difficulty in the schools. The stoppage of expenditure on improvements, the loss of officers in the boys' schools, the difficulty of finding holidays camps, the rise in the price of food and clothing, the leaving of many medical officers for active service, and the heavy additional work thrown on those remaining, etc., has made the efficient carrying on of the schools a considerable problem, and it is a matter for congratulation to those in charge of them that so far no serious effects on the children's health have been observable."<sup>2</sup>

A writer commenting on this chief inspector's annual report says:

"Facilities for effective education and industrial training have been increasing in these schools, but war has hindered developments. 'The manual training in some schools has nearly disappeared for the time being owing to the absence of instructors'."

Various measures are suggested by Mr. Leesons, not as fully expressing ideal standards which the Howard Association would wish to set forth but as practical expedients for the present. By way of prevention of delinquency he emphasizes the importance of recreation—not only playgrounds and clubs within the city limits but some taste of genuine open-air activity on vacant land in the suburbs. A scheme for organized work and play by city children on suburban

<sup>1</sup> Aitken, G. A.: "Juvenile offenses in war time," in *The Child*, December, 1916, p. 114.

<sup>2</sup> Report for the year 1915, p. 41.

<sup>3</sup> *The Child*, December, 1916, p. 141.

land is proposed by Mr. J. J. Findlay, professor of education at Manchester University:<sup>1</sup>

There is now a large consensus of opinion among teachers of the young that open-air activity, work with some immediate purpose in it, is the best prophylactic for the tendencies that bring school children into juvenile court \* \* \*. Whatever may be true of other children, those who come before the magistrates are restless and self-assertive. They need discipline certainly, but they need occupation away from the confinement of seats and desks. \* \* \* The remedy I propose ~~is~~ based upon our modern facilities for rapid transit from the center to the outskirts. The tramway \* \* \* systems are now so developed as to make it easy for the corporation to carry out to land on the outskirts of the city as many children as we want to carry. (For the tramcars in the morning come crowded into the city from the outskirts, but go out half empty, and vice versa in the evening.) Once have the children out from 8 o'clock in the morning to 6 at night on vacant land, and the rest is easy. The bigger boys can help to build; the bigger girls to cook and clean and help mind the little ones. A "society" would soon be created with work to do and a life to lead. Lessons would follow later, when the children have got back to normal relations with life. If such proposals seem foolish and theoretical to some of your readers, even to some teachers, I can assure them that it is just common sense and homely mother wit. \* \* \* The land and the things on the land—garden, farm, workshop, including kitchen and washhouse—constitute the primitive circle of activities in which the simple children of men have always found release for mind and body, and when disaster and malady overtake a section of society return must be made to these "natural" things if health of mind and body are to be recovered.

Commenting on Prof. Findlay's scheme, Mr. Leeson says:<sup>2</sup> "We would suggest that the education committee and the tramways committee of each locality should appoint a joint subcommittee to work out a scheme on the lines Prof. Findlay suggests. Where it is found impracticable to adopt the scheme in its entirety, it may be possible to adopt part of it; e. g., if parties were organized two or three times a week for nature study in the country, and free passes on the trams were granted, the result would amply justify the experiment." Such a committee, he says, might be part of a larger children's joint committee which should be organized in each community, with representatives of schools and libraries and playgrounds and courts and other agencies which in any way touch the life of children, in order not only to assist in the care of delinquent or difficult children, but to provide such community facilities and supervision as are needed for all children. In the actual carrying on of clubs he suggests that "the difficulty of helpers may be surmounted by finding them to a large extent from the lads themselves."<sup>3</sup> Mr. Leeson refers also to the need for moral guidance as a part of education and to the question of motion pictures.

<sup>1</sup> *The Child and the War*, p. 60.

<sup>2</sup> *Ibid.*, p. 62.

<sup>3</sup> *Ibid.*, p. 61.

The letter of the undersecretary of state to the justices' clerks throughout England in May, 1916, discusses several practical points in the treatment of children brought before the courts, and especially the importance of making the utmost possible use of probation if a boy's previous record and home surroundings are favorable. He also urges that the justices induce suitable people to undertake club work with boys. Mr. Leeson, writing six months later, also suggests four improvements in the method of dealing with delinquent children:

1. The number of probation officers could be increased even during the war by utilizing the services of women, clergymen, men over military age, and convalescent soldiers.

2. Delinquents placed on probation should be obliged to make restitution of stolen goods or their equivalent. When the offense is not theft, the term of probation should not depend on the payment of the fine but on the circumstances and character of the child.

3. Greater discrimination should be exercised in the commitment of children to reformatory or industrial schools. And when a child's record is good and normal home conditions have been restored, he should be released from the institution "on license." There is especial need of separate provision for children who are defective.

4. Mr. Leeson notes a tendency since the war toward a more frequent resort to floggings. "Flogging by order of the court," he says, "is deprecated on three grounds: First, because it is demoralizing; second, because so long an interval necessarily elapses between the child's offense and his punishment for it; and, third, because it offers to the magistrate a simple solution for many situations otherwise requiring thought."<sup>1</sup>

In 1917, the British Penal Reform League issued, under the title "A National Minimum for Youth," the recommendations of "a committee appointed to consider a policy with regard to the problems connected with juvenile delinquency." These recommendations include further development of probation, detention homes, and specialized courts for children and young persons up to the age of 21 years. As immediate measures they advise the formation of local councils of juvenile welfare, expert supervision of play centers, compulsory attendance at day continuation schools, and abolition of street trading by children under 18. They discuss also general problems of social and industrial conditions, and especially emphasize the primary importance of such adequate parental care as can not be given by overworked fathers and mothers.

Certain things have already been done with a view to checking the increase of delinquency: Special joint committees were ap-

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<sup>1</sup> The Child and the War, p. 59.

pointed in 1916 by the justices and educational authorities in various English cities; the Home Office also appointed a committee and suggested ways of checking objectionable films; and in January, 1917, the board of education issued regulations under which grants in aid are payable to local authorities maintaining play centers after school hours and on Saturdays for children of school age, provided the play center meets certain minimum requirements.

### FRANCE.

The evidence of an increase in juvenile delinquency in France during the war is not so clear. Statistics are offered by the chief of police of Paris, and by the committees for the protection of children brought to court in Rouen and Marseille, that seem to indicate larger numbers of delinquent children under 16, and especially of boys under 16, during the year 1915 than in earlier years. But in Paris fewer arrests of girls, whether of girls under 16 or girls between 16 and 21, were reported in 1915 than in 1914.

In the parliamentary discussion of a law directed against the cadet, which was passed in December, 1916,<sup>1</sup> it was stated, however, that every one was thinking with disquiet of the great increase in the procuring of prostitutes among young people. Other repeated references to the intensification of the problem of prostitution in Paris since the war lead one to suspect that the slightly smaller number of girls arrested in Paris during 1915 may be due, in part at least, to a relaxation of police surveillance.

We find in the same parliamentary discussion complaint that the courts did not punish an apache playing with a revolver provided he missed his aim. "It is therefore necessary to strengthen our penal legislation in this respect [playing with firearms]. It is more necessary to do so because the war is likely to bring with it habits of violence against which society must take measures."<sup>2</sup>

The statements by the committees for the protection of children brought to court, and other writers in the *Revue Pénitentiaire*, suggest that in the conduct both of school children and of older minors, France has a problem which, it is realized, can not be set aside until after the war, but special war-time causes are scantily discussed. The weakening of parental authority through the absence of the father and the employment of the mother is several times referred to and, less frequently, the influence of sensational films. No comprehensive review of the situation seems to have appeared. Naturally, therefore, we have found no comprehensive outline of remedies.

<sup>1</sup> Journal Officiel, Dec. 30, 1916, p. 11192.

<sup>2</sup> Journal Officiel, Documents Parlementaires, Chambre, 1916, annexe No. 1978, p. 578.

The editor of the *Revue Pénitentiaire* cites with approval the official order of the mayor of Gentilly and would like to see it "vigorously enforced in all French communes." The mayor said:<sup>1</sup>

Considering the number of children of school age (under 13 years) one meets daily in the streets of the town, where they are contracting habits of laziness and vagabondage, disturbing traffic and the peace, and becoming victims of accidents; considering the fact that public schools are maintained in the community which, according to the law of March 28, 1882, these children must attend; and considering the present circumstances under which most of these children are deprived of paternal authority and which make it incumbent upon the public authorities to protect them and make them respect law and order—it is forbidden, under article 471 of the penal code, for fathers, mothers, and guardians to allow their children or wards between 6 and 13 years of age to run about the public streets without supervision. In case of infraction of this provision, these children will on school days be arrested and taken to the office of the public school, without exempting the persons who are liable to a penalty under the above-cited article 471 of the penal code, or, in case of repetition of offense, under the law of March 28, 1882.<sup>2</sup>

Juvenile delinquency was the subject for discussion at the meeting of the *Académie des Sciences Morales et Politiques* on October 20, 1917. A classification of delinquent children under 13 years of age was presented. The "incorrigibly perverted" should be sent to correctional institutions; the mentally weak and morally diseased, victims of hereditary alcoholism, syphilis, etc., should be sent to special asylums; but the victims of bad environment, who were estimated to be about one-third of all young delinquents, were thought to need, not institutional care, but constructive work in the community. For them it was suggested that "in cases which do not come before the court a staff of investigators should be appointed to study the situation of children living in a bad environment, even if they had committed no crime; that in cases which come before the court persons should be appointed capable of supervising the families to whose charge the children will be intrusted in order to avoid the disadvantages of an institution. The police, too much occupied with the real delinquents, have no sufficient staff for such work as this."<sup>3</sup>

Perhaps it should be explained that under the French law on courts for children and young persons and on probation only minors who are actually charged with offenses appear before the juvenile courts created by the law of July 22, 1912.<sup>4</sup> The importance of extending the powers of these courts to include the care of neglected children had been urged by French writers before the war.

Certain amendments to the juvenile court law have been under discussion since the war. In October, 1916, a bill was introduced which has been passed by the Senate, but not yet, apparently, by the Cham-

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<sup>1</sup> *Revue Pénitentiaire*, April-May, 1915, p. 394.

<sup>2</sup> Law on compulsory school attendance.

<sup>3</sup> *Journal Officiel*, Oct. 23, 1917, p. 8410.

<sup>4</sup> *Ibid.*, July 25, 1912, p. 6690.

ber of Deputies, providing that children on probation must attend court in person for further sentence, and giving the judge power to secure their persons during appeal by sending them to the house of detention.<sup>1</sup> Another amendment enacted into law in June, 1917,<sup>2</sup> provides for the appointment of an advisory board for each institution for delinquent children. Discussion has also been revived of a bill introduced in 1910 which would amend the provisions concerning vagabonds and prostitutes under 18 years of age.<sup>3</sup>

Far more important, however, is the war-orphan law enacted on July 24, 1917,<sup>4</sup> which provides a new type of social guardianship for every child whose father, mother, or breadwinner has been killed or incapacitated by the war. This guardianship is intended to strengthen the normal family life which is everywhere the first essential in the prevention of delinquency. And, referring again to Mr. Leeson, we may well recall his words about English children, for they are of universal application:<sup>5</sup> "It is not the comparatively few delinquent children, but that greater number who live in the unwholesome conditions from which delinquents come, that are the more important problem."

### GERMANY.

A general increase in the number of delinquent children in German cities was indicated in 1915 by published statements of probation officers and social workers in Berlin and elsewhere. Judge Hellwig, of Berlin, considered that these did not furnish an adequate basis for definite conclusions about the extent, or the causes, of increased delinquency, so he instituted an inquiry of his own. He writes in *Die Grenzboten* for March 15, 1916:

"By means of a questionnaire sent out some months ago to juvenile courts and police authorities, which was in the main most amiably answered, I have received a series of further relevant statements which enable us better to understand the problem. I am nevertheless very conscious that these enlarged sources are insufficient for a final answer to the serious question of juvenile criminality in war time." But tentatively, from the material before him, he concludes: "This much appears certain, that the figures for the juveniles brought before the courts apparently decreased almost everywhere in the first months of war, then gradually increased again, and that these figures in the last months as a rule reached a height never known before."

<sup>1</sup> Journal Officiel, Documents Parlementaires, Sénat, 1916, annexe No. 398, p. 530; *Revue Pénitentiaire*, November-December, 1916, p. 486, and January-February, 1917, p. 51.

<sup>2</sup> Journal Officiel, June 10, 1917, p. 4502.

<sup>3</sup> Journal Officiel, Documents Parlementaires, Sénat, 1917, annexe No. 68, p. 135.

<sup>4</sup> Journal Officiel, July 29, 1917, p. 5802.

<sup>5</sup> *The Child and the War*, p. 68.

Judge Hellwig's analysis of the difficulties involved in a correct estimate of the problem may well be briefly reviewed. He reminds us that the figures apply to large cities only. The nature of the offenses is not entirely clear:

It is evident that it is not the same if all thefts have considerably increased, or if the increase of criminal acts is to be explained by an increase of thefts of food as well as poaching; if crimes of violence have greatly increased or if it is only an increased number of cases of rough mischief and injuries to property and persons which are not more than a criminal form of child's play, harmless in itself \* \* \*. When I look over the material which has come to me on the criminality of youth in war time, I should assume that these less serious offenses and similar lighter ones have increased, and that therefore the criminality seems worse than it really is.

Furthermore, war legislation has penalized acts innocent in time of peace; and it is possible that a growing irritability to offenses on the part of the public and of the police may cause arrests for acts unnoticed in normal times. Judge Hellwig believes also that "for a part of the youth, and especially juveniles demoralized or already punished, war has had a morally improving effect."

On the other hand, "many boys of the 16 to 17 year old group, which generally has the largest share of juvenile criminality, have gone into the service as volunteers and by this means have left the field of the juvenile court and come into the province of military justice. \* \* \* While the figures of the punishable offenses of the 16 to 17 year old population have much decreased, the figures for the younger age groups have in part risen quite extraordinarily. For like reasons the establishment of war-time courts (*Kriegszustandgerichte*) in some districts falsifies the picture. As they have exclusive jurisdiction over certain offenses, the juveniles sentenced for these offenses do not appear in the figures of the civil courts." Among minors under civil jurisdiction, moreover, many offenses doubtless remain undetected because of the depletion of the police force and the increasing difficulty of supervision.

But Judge Hellwig concludes that "even from the present material we may deduce that probably the criminality of the younger age groups has increased during the war, so far as important cities are concerned." Less guarded, apparently, are the conclusions in a book by the same author which followed this preliminary study. Unfortunately, the book itself has not been received in this country, and we must depend upon detailed reviews of it appearing in *Concordia*, *Zeitschrift der Zentralstelle für Volkswohlfahrt*,<sup>1</sup> in the *London Daily Mail*<sup>2</sup> and in *Pravo*, a Petrograd weekly.<sup>3</sup> According to the Russian review, Dr. Hellwig placed early prostitution first among the types of delinquency increased by the war.

<sup>1</sup> Berlin, Feb. 15, 1917.

<sup>2</sup> Mar. 2, 1917.

<sup>3</sup> Feb. 5, 1917.

The breakdown of family life in war time is given by many of the German writers as the chief danger to the well-being of the children. "The father is usually in the field and his strong oversight wholly lacking; the mother is usually separated from the family for the greater part of the day by her industrial work, which, according to the reports of the sickness insurance funds, has greatly increased."<sup>1</sup> But absence of the men teachers (more than 6,000 in Prussia alone had joined the colors in 1916, according to the Prussian minister of education);<sup>2</sup> the use of school buildings for military purposes especially in the larger cities; the crowding of young workers to the capitals; lack of police supervision; aimless hanging about on the streets, vicious reading and sensational moving pictures, and the unrest of the war atmosphere; and destitution, child labor, and physical exhaustion are all variously stressed as causes of youthful crime.

Judge Hellwig's analysis of causes is summarized by the German reviewer<sup>3</sup> as falling into three groups. Economic conditions are placed first, then antieducational influences, and "other causes." The Russian reviewer emphasizes also the economic causes:

The crimes are committed almost exclusively by children of the lower class, to whose family and economic life the war has been catastrophic \* \* \*. Acute unemployment in the first months of the war has brought many families to the verge of poverty, and thrown on the streets many young boys and girls, making of them criminals or prostitutes. Later on, in some occupations, the conditions have been abruptly reversed. A shortage of labor was felt and adolescents began to receive high wages to which they were not used and which they could not use sensibly. Thus this sudden and striking increase of wages also had sad results. Besides, very often young boys found themselves in responsible positions which were intrusted before only to persons of more or less advanced age and balance of character. Frequently the temptation of these positions was too strong and the children were led into crime.<sup>4</sup>

The remedies that have been proposed or tried are of various kinds. Official measures seem to have been chiefly restrictive, but our information is incomplete; for the latter months of 1916, no material is available. It is entirely possible that some of the more constructive suggestions have been adopted. In Württemberg, in 1915, the minister of the interior issued a proclamation making more strict the measures in regard to the frequenting of public houses by minors, absence from school, and presence of minors on the streets at night, and concerning public motion-picture houses. The earnings of minors were to be paid to parents or guardians and not directly to minors themselves. The power of the guardianship courts was to be invoked in proper cases. In the city of Cassel a military order was issued early in 1916 from which we learn that by a previous order wages of minors had in Cassel been paid to the parents. The later order requires that part of

<sup>1</sup> Soziale Praxis, June 10, 1915, p. 863.

<sup>2</sup> Ibid., Mar. 10, 1916, p. 572.

<sup>3</sup> Concordia, Feb. 15, 1917.

<sup>4</sup> Pravo, Feb. 5/18, 1917, columns 255-256.



the wage shall be deposited to the minor's credit in a savings bank to be held until the end of the war, or until the completion of the wage earner's twenty-first year. Further, minors were forbidden to leave their places of residence without special permission. A compulsory savings measure was also enacted for Berlin. In other cities, we learn, it has been forbidden to sell or give away pipes, cigarettes, or tobacco in any form to minors under 16.

The need for educational and preventive work is variously stated. For example, one writer refers to the need for instruction in gymnastics at the continuation schools; the minister of justice in Bavaria calls upon the judges of the guardianship courts, who are responsible for orphans, to cultivate close relations with all other agencies concerned with children and youths and to make greater effort to protect the war orphans and others endangered by the absence of the father in the field or by the deterioration of home influences. A writer in *Die Grenzboten* urges that the exploitation of children must be prevented:<sup>1</sup>

Certain mental impairments and moral defects which result in criminal acts have their roots in childhood. They flourish in the mind of an overtaxed child as well as in that of an unsupervised child, in the mind of one who through toil and exploitation never found time for a child's laughter or play, in the souls of those who were too early put into the harness ever to be children.

It will never be possible to limit altogether our children's activities. \* \* \* But the exploitation of children can be avoided. In the interest of our development as a people let it be therefore to-day more than ever one of our clearest and most insistent demands: Safeguard the children; do not make use of them.

From Judge Hellwig's reviewers we learn that he urges extensive unemployment relief, assistance and advice to mothers, and educational work and social work among children and adolescents: "Hellwig expresses himself very decidedly against the proposed militarization of German youth, and quotes well-known educators in support of his opinion. The education of children to hatred of their enemies is also sharply criticized by Hellwig. Such a policy cuts off the way to future international work for culture and emphasizes our fear that these present unhappy days may be repeated."<sup>2</sup>

That restrictive measures are also advisable, in Judge Hellwig's opinion, is stated by his German reviewer and again, more emphatically, by Judge Hellwig himself in an article in the *Preussische Jahrbücher* of October, 1917:

The orders were not always issued in good form, nor was their publication always expedient; for instance, when it was evident beforehand that they would remain on paper, because they could not be enforced; but in the main the

<sup>1</sup> *Die Grenzboten*, Feb. 16, 1916, p. 217.    <sup>2</sup> *Pravo*, Feb. 5/18, 1917, columns 255-256.

fundamental thought of these orders deserves approval. Our warm thanks are due to the military commanders for having taken up a problem which was frequently discussed in times of peace, but which our civil authorities could not solve without a change in legislation. \* \* \* It is quite certain that these questions will be discussed with due thoroughness in the parliaments; and, in my opinion, it is to be hoped that measures similar to those taken by the military commanders will be adopted. Best of all would be an imperial law; but if this should not be possible, then uniform laws should be passed by the separate States.

Judge Hellwig refers to a petition sent in October, 1916, by a defense society to the Imperial Council and the Reichstag, urging that the war measures taken by the military commanders and various civil authorities be continued in time of peace. And he states that a resolution to the same effect was adopted in both houses of the Bavarian Parliament.

In the same article we find admirable statements of the opposite view, introduced as a basis for argument. For example, the opinion of Judge Köhne, of Berlin, is summarized and quoted as follows:

It depends upon the local conditions whether such orders can be enforced; in the larger cities their enforcement is particularly difficult and their effect harmful. The only desirable measure would be the prohibition of the sale of alcoholic liquors to young people, punishing for this offense the person selling it. "But we can not be too emphatic in our warning against introducing new legal liabilities for young people and thus increasing immeasurably the number of children brought before the judge." The quality of the judge's work must not be allowed to deteriorate by reason of his increasing burden; moreover, only light penalties could be imposed, and these would tend rather to blunt the child's sensibilities than to induce a wholesome fear. "The problem of the increase of delinquency among our young people is to be solved not by the creation of new categories of crime, nor by police power, but by intensive educational work, and judges and the police can not serve as educators. New laws attempting to suppress unwholesome tendencies can easily bring about evils greater than those which they are designed to overcome."

It is apparent that among all child-welfare workers the effectiveness and desirability of restrictive regulations have been much discussed and widely divergent opinions expressed. A committee on legislation, appointed by the General German Convention on Guardianship (Allgemeiner Deutscher Fürsorgeerziehungstag), had decided (according to Concordia of Dec. 1, 1917) to request that certain orders of the military commanders should remain in force after the war. The same number of Concordia stated that the Central Society for Social Welfare (Zentralstelle für Volkswohlfahrt) has made a special inquiry and collected a mass of data on the practical working out of these orders with the purpose of presenting the material for discussion by a conference of child-welfare experts. No later information in regard to the material or the conference has been received.

We have a published summary of the proceeding of an earlier conference of juvenile-court workers, called as a war measure in April, 1917, by the German Central Society for Child Welfare (*Deutsches Zentral für Jugendfürsorge*). The same question of restrictive orders was discussed, but apparently far more attention was given to the need for improvement in the care of juvenile delinquents. Detention homes, probation, full information about each child before his case is presented to the court, the need for alienists in connection with the courts, and the abolition of prison terms for young people were all discussed. The special importance of systematic training for juvenile court workers was emphasized. This convention appointed a permanent Committee on Juvenile Courts and Juvenile Court Workers (*Ausschuss für Jugendgerichte und Jugendgerichtshilfen*). The committee was instructed to organize subsidiary committees in all the federated States as a means of bringing together juvenile court workers throughout Germany. The immediate work of the committee was to be the securing of funds for adequate juvenile court work in the various federated States, and the reawakening of interest in the bill introduced in the Reichstag in 1912 for the reform of procedure in juvenile cases. If it proved impossible to bring this bill forward, the committee was to draft a new bill with a similar purpose.

The general question of revising all laws affecting children has also become prominent during 1917. In November a commission representing many organizations concerned with the care and protection of young people was formed with the express purpose of coordinating the plans already under way. The scope of the proposals cited by the commission is wide, touching such diverse questions as military training for young people and public relief for children. As not of least importance are mentioned drafts of amendments to the penal law, as it affects young people, already prepared by the Committee on Juvenile Courts and Juvenile Court Workers. The detailed program of the commission's work was to be offered in January, but it has not yet (April, 1918) been received in this country.

### ITALY.

In no country, apparently, during the last three years has juvenile delinquency been more generally discussed than in Italy. But this does not mean that for Italy we find the fullest analysis of the relation of war to delinquency; rather the contrary. The present discussion merely continues a movement, many years older than the war, which aims to reconstruct entirely the methods of caring for delinquent children.

One striking passage is found, however, in an article by an advocate, Giulio Benelli, in December, 1916.<sup>1</sup> He says:

The problem of the possible future increase of juvenile delinquency through the abandonment of so many soldiers' sons, so many orphans of our glorious martyrs, by the return of so many fathers mutilated and unable to provide for their families, the sad heredity from fathers who have lived through the terrible psychic injuries of the obsessing life of the war zone and mothers who have suffered their daily anxiety and tears—this grave and alarming problem can not possibly be ignored.

In order to learn something of the immediate effect of the war, Signor Benelli addressed to the procurators general throughout Italy an inquiry on the status of juvenile delinquency in their respective districts. He considers that the replies are very disappointing as regards actual statistics and facts; the procurators give evidence of no serious study of a serious subject, and complain of what is in part their own fault. "One of the main causes of juvenile delinquency is the inefficient work of the magistracy in guardianship cases."<sup>2</sup> But a few of the replies make interesting comments. For example, the report from Milan refers to the fathers who are under arms and the passage to the factories of the mothers. Bologna also reports that the more frequent absence of fathers with the consequent relaxing of family discipline is the special reason for juvenile delinquency. In Ancona, the procurator deplors the fact "that the war has absorbed in its monstrous expenses the funds which would have been given to a more efficient protection of youth, so that the long-anticipated code for minors from which we ought to derive so much benefit will have to wait some time for its proper realization."<sup>3</sup>

The code for minors to which this refers embodies the program for reforming the treatment of delinquent children. It was drafted by a commission after several years of study of juvenile courts in other countries, and it has been pending since November, 1912.<sup>4</sup> The code proposes to institute a special magistracy and special courts concerned with all the interests of children—dependency and neglect as well as delinquency. All comment on the code stresses its value as introducing the principle of preventive work in Italy's official treatment of delinquent children. The demand that the code be enacted in the near future seems to be growing more insistent, and the procurator of Ancona is not alone in suggesting that the most serious effect of the war upon juvenile delinquency in Italy has been the postponement of this legislation.

<sup>1</sup> *Rivista di Discipline Carcerarie e Correttive*, December, 1916, p. 381.

<sup>2</sup> *Ibid.*, Apr. 1, 1917, pp. 140, 142.

<sup>3</sup> *Ibid.*, Apr. 1, 1917, pp. 133, 134, 137.

<sup>4</sup> Casabianca, Pierre de: *Le projet Italien du code de l'enfance*. *Revue Pénitentiaire et du Droit Pénal*, March, 1913, pp. 345-367.

However, one notable step toward the prevention of delinquency was taken last July, when Italy adopted as wards of the nation the children whose fathers, mothers, or legal guardians have been killed in the war. As Signor Maffi expressed it, in the debate on the war-orphan law:<sup>1</sup>

It is the interest of the State that these children shall give the best possible physical returns, that the man power of which the future has need shall not be squandered; it is necessary that these poor children should be educated in a way to develop all their mental and moral energies, and that finally they be removed from the danger to which so many neglected children are subjected, the danger of juvenile delinquency.

The fulfillment, in part, of the hope expressed by Signor Maffi "that what is to-day approved for war orphans may to-morrow be enjoyed by all orphans" is looked for as one of the benefits to Italian children from the long-desired code.

### RUSSIA.

Vagrancy, theft, and prostitution are the three phases of juvenile delinquency to which Russian writers during the war have repeatedly referred. Of general statistics there are none; but we read that asylums for delinquents are flooded with children, judges and officers of children's courts are overworked, and a startling increase in delinquency is uniformly admitted by judges and social workers whose statements have come over to us.

Certain causes seem to be of special importance in Russia. The absence of the father and the employment of the mother and the use of school buildings for military purposes are noted here as elsewhere, but far more stress is laid upon homelessness, industrial conditions, and the absence of legal protection for girls. Judge A. A. Matern, of the juvenile court in Moscow, points out that the problem has not been wholly caused by the war, which has only aided the development of the unfavorable social conditions under which children have to live, particularly in large cities.<sup>2</sup>

Soldiers' orphans, child volunteers, and refugee children have swelled the number of homeless children. For soldiers' orphans the Government has tried to make special provision. Many of the child volunteers, on the other hand, have found their way to prison. In the early months of the war, as we read in the Moscow paper, *Russkii Viedomosti*:<sup>3</sup>

In endless numbers the child volunteers returning from the front flow through Minsk on their way home to their parents. They come with groups of transported prisoners. They had run away from home to fight the enemy and were

<sup>1</sup> *Atti Parlamentari. Camera dei Deputati, Session of July 2, 1917, p. 13751.*

<sup>2</sup> *Russkii Viedomosti, Sept. 21/Oct. 4, 1916.*

<sup>3</sup> Feb. 12/25, 1915.

held because they had no papers of any kind. The other day in the Minsk Province prison there were found 60, all from 11 to 16 years of age. \* \* \* According to the law, child prisoners are to be kept apart, but at present the law is not enforced, and they are with adult prisoners of all types.

Far more serious in extent was the problem of the refugees. The thousands of refugee children pouring into Moscow from the war zone found the authorities unprepared. Various organizations tried to provide shelters for the children and to arrange for their distribution to other cities, but they could not adequately meet the problem. Girl refugees concentrated in large numbers at the railway stations easily became the victims of procurers; some of the girls, already themselves corrupted, were tempting other children to follow their example.

But complaints of vagrancy come from other parts of Russia also. The Kiev department of the official Tatiana Committee for War Sufferers' Relief collected data showing the growth in the numbers of homeless wandering children in Kiev and vicinity. "The children are demoralized and refuse to work, preferring tramping. Many children have gone as far as the Caucasus, the Volga, and Siberia. When the cold weather comes they enter asylums, but upon being furnished with clothing they run away."<sup>1</sup>

Part of the blame for the unprecedented increase of homeless children in the cities is placed upon the changed industrial conditions. Again we quote *Russkii Vedomosti* of Moscow:<sup>2</sup>

The Moscow industries, losing a large amount of labor with every new call to arms, draw a new army of workers from the growing youth of country and village. And the village, full of rumors of high wages in Moscow, sends these youths and boys, sometimes having no family or means of support, not fully developed mentally, inexperienced, often without sufficient clothing. In Moscow they find refuge only in public tea houses and railway stations and sometimes sleep on freight trains. They have no home, no bed of their own, often no bread, not to speak of other food; theft because of need becomes a frequent occurrence.

And this, in an earlier issue:<sup>3</sup>

The demoralizing effect of the slums on child news sellers who have no decent place of shelter was pointed out in the city council. The same thing is true of other working children. Crowds of children from 9 to 15 years of age are found on the streets at midnight in front of the night tea houses. Boys are soon drawn into the life of these night tea houses \* \* \*. In many of the lodging houses whisky is sold, and many are filled with prostitutes. Even so, it is difficult to get a bed \* \* \*. The above conveys only an idea of the horrible conditions under which the working children in Moscow have to live at present.

The special dangers surrounding young girls in industry are described by Mr. V. Levitsky in the *Bulletin of Education* (*Viestnik*

<sup>1</sup> *Russkii Vedomosti*, Jan. 17/30, 1917.

<sup>2</sup> Dec. 8/16, 1916.

<sup>3</sup> Jan. 31/Feb. 13, 1917.

Vospitaniia) for February, 1917. He says that boys are at present considered more valuable and are better taken care of than ever before, but "especially difficult is the situation of little girls working for a living. The employers often ignore all regulations as to the working day, rest, or age; the children, especially girls, must work as long as they are compelled by the employer \* \* \*. The little working girl is not protected from the advances of the employer and of her fellow-workers, whether she is in a large factory, in a small shop, restaurant, hotel, or other place. A person abusing a hungry, homeless little girl commits no crime punishable by the existing laws or regulations."<sup>1</sup>

That the situation demands a comprehensive program if children are to be safe and if delinquents are to be adequately cared for is well understood. Separate courts, with a limited staff of probation officers, had been established in a few cities before the war; the movement for extending juvenile courts and making probation efficient has continued; the need of detention homes for the temporary care of children brought to court, who have no homes or who can not safely be returned to their homes, and the need of suitable institutions for their permanent care are repeatedly emphasized. For example, we read in the Moscow paper: <sup>2</sup>

The committee especially formed with the purpose of suggesting measures that would facilitate the work of the judges in juvenile court cases reported lack of medical help, which appears necessary in connection with the court. It also reported the necessity of caring for children who were suffering from severe treatment in shops, if they have no relatives, and of opening in one of the police stations a separate depot for juvenile offenders, apart from adults. \* \* \* Moreover, the committee expressed the wish to enlarge the Rukavishnikov Asylum, to form new educational institutions including special vocational classes, to establish an asylum for girls since no such special asylums with one exception—Bolsheviki—exist in Moscow, and to arrange for night lodgings in connection with the juvenile court which would make it possible to get acquainted with the individuality and character of the delinquents.

But the public is reminded that "there can be no sense in bringing to court and sentencing children who frequently lack shelter or clothing" and not doing anything to supply their needs.<sup>3</sup> More clubs and recreation centers and more opportunity for education must be offered, and organizations for social welfare must combine to protect girls against prostitution.

These suggestions of Russian social workers had found expression in isolated efforts in certain cities before the Revolution. Our scat-

<sup>1</sup> *Vestnik Vospitaniia*, February, 1917, p. 169.

<sup>2</sup> *Russkii Vedomosti*, July 10/23, 1916.

<sup>3</sup> *Ibid.*, Jan. 31/Feb. 13, 1917.

tering information doubtless understates the work that has been done. We do read, however, of private activities in Moscow and elsewhere and of increased expenditures from public funds on behalf of delinquent children in Petrograd and in Kiev. And in February, 1917, the minister of justice presented to the suitable departments a bill providing for punishment of all attempts on the morality of minor girls, and pointing out the necessity of passing such a law without delay because of the numerous cases of inducing girl refugees to immorality. No record has come to us, however, of the passing of such a bill.

Under the new Ministry of Social Welfare established with the Revolution a national conference on child welfare was planned for August, 1917, and the preliminary committees were asked to prepare for discussion at the conference a children's code to regulate the social care of children.<sup>1</sup> Further information about this conference and its outcome is unfortunately lacking.

### CONCLUSION.

Not yet can we attempt to measure the effect of the war upon juvenile delinquency in the United States. But in the war-time experience of other countries we see certain injurious conditions which are being repeated here, and many of the measures of prevention and care recommended by foreign writers express principles which no community can afford to disregard, but which are not yet effective throughout the United States.

Is it inevitable that the war should deprive children of a normal home life? Must mothers be gainfully employed? And surely, the community can maintain its standards of schooling and provide, even in war time, ample opportunity for wholesome play. Now, more than ever, do the children who are without proper guardianship need individual care and training, and those who have become unruly need the attention which special courts can give. In so far as the war is allowed to interfere with the work of trained probation officers, psychological experts, and the staffing of institutions for delinquent and for defective children; in so far as it is allowed to hinder the extension of modern methods of care—whether in large cities, small towns, or rural counties—the war is inflicting a positive injury not only on the delinquents themselves but on other children and on the community as a whole.

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<sup>1</sup> *Vestnik Vremennago Pravitelstva*, July 15/28, July 28/Aug. 10, 1917.



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<sup>1</sup> In addition to the sources enumerated, all available official bulletins for each country were read, but only those which yielded material on juvenile delinquency are included in the list.

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- No. 1. Child-Labor Legislation in the United States, by Helen L. Sumner and Ella A. Merritt. 1131 pp. 2 charts. 1915. Bureau publication No. 10. Bureau supply of complete volume exhausted, but reprints can be obtained as follows:
  - Child-Labor Legislation in the United States: Separate No. 1. Analytical tables. 475 pp. 2 charts.
  - Child-Labor Legislation in the United States: Separates Nos. 2 to 54. Text of laws for each State separately.
  - Child-Labor Legislation in the United States: Separate No. 55. Text of Federal Child-Labor Law. 1916.
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  - Part 1. Employment-Certificate System, Connecticut, by Helen L. Sumner and Ethel E. Hanks. 69 pp. 2 charts. 1915. Bureau publication No. 12.
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  - Part 2. Suggestions to Examiners. 4 pp. 1918. Bureau publication No. 38.
  - Part 3. Follow-up work. — pp. 1918. Bureau publication No. 38.
- No. 3. Children's Year Working Program, prepared in collaboration with the Department of Child Welfare of the Woman's Committee, Council of National Defense. 12 pp. 1918. Bureau publication No. 40.

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U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, Chief

APRIL 6  
1918

CHILDREN'S YEAR

APRIL 6  
1919

CHILDREN'S YEAR  
WORKING PROGRAM



CHILDREN'S YEAR LEAFLET NO. 3

Bureau Publication No. 40

PREPARED IN COLLABORATION WITH THE DEPARTMENT OF  
CHILD WELFARE OF THE WOMAN'S COMMITTEE, COUNCIL  
OF NATIONAL DEFENSE



WASHINGTON  
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## CHILDREN'S YEAR WORKING PROGRAM.

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War work on behalf of children has been inaugurated by the Children's Bureau of the United States Department of Labor and the Child-Welfare Department of the Woman's Committee of the Council of National Defense.

The President has approved the plans for Children's Year. He says:

Next to the duty of doing everything possible for the soldiers at the front, there could be, it seems to me, no more patriotic duty than that of protecting the children, who constitute one-third of our population.

The success of the efforts made in England in behalf of the children is evidenced by the fact that the infant death rate in England for the second year of the war was the lowest in her history. Attention is now being given to education and labor conditions for children by the legislatures of both France and England, showing that the conviction among the allies is that the protection of childhood is essential to winning the war.

I am very glad that the same processes are being set afoot in this country, and I heartily approve the plan of the Children's Bureau and the Woman's Committee of the Council of National Defense for making the second year of the war one of united activity on behalf of children, and in that sense a children's year.

The Children's Year campaign "To save 100,000 babies and get a square deal for children" opened on April 6 with the beginning of a Nation-wide Weighing and Measuring Test of young children. This Test, the first step in the larger war-time program, will be carried out in each State by individuals and organizations cooperating with the State and local child-welfare committees of the council of defense. The Children's Bureau and the Child-Welfare Department of the Woman's Committee expect that each community will follow the Test by some permanent work for the protection of mothers, babies, and young children, and will undertake some definite activities in relation to the three other main items in the war-time program, namely: Home care and income, child labor and education, and recreation. The President has expressed the hope that Children's Year "will not only see the goal reached of saving 100,000 lives of infants and young children, but that the work may so successfully develop as to set up certain irreducible minimum standards for the health, education, and work of the American child."

The working program which follows (1) defines the aims of Children's Year; (2) enumerates "community questions" in order to

indicate the kind of exact information which a committee should secure as a basis for constructive work; (3) suggests as "work to be done" certain practical measures that may be undertaken during Children's Year. Few committees will wish to attempt to accomplish within 12 months all of the work outlined in the program, but the program will serve its purpose if it leads to a careful review of the situation and a deliberate plan for meeting the most pressing needs of the community in each field of work.

On the other hand, the working program is in no sense a complete statement of child-welfare work. It is merely an attempt to review the first essentials for the saving of infant lives and those standards of protection of older children which are most seriously threatened in war time.

Many committees will undoubtedly wish to develop in greater detail than this program calls for some piece of work which applies especially to their own community. The bureau will be glad to discuss methods of work and details not covered in the following outline. A special leaflet on follow-up work after the Weighing and Measuring Test has been prepared.

The first four sections of the program consider the child community as a unit made up of normal children in normal homes. In most communities there are special problems relating to children who can not be given proper care in their own homes without special assistance or who have been deprived of their natural guardians. The fifth section, on Children in Need of Special Care, is offered as a possible basis for discussion and action in relation to these special problems.

In making and carrying out plans for Children's Year, it is especially important that the child-welfare committees secure the co-operation of existing agencies, both public and private, which are already engaged in similar work.

## **I. PUBLIC PROTECTION OF MOTHERS, INFANTS, AND YOUNG CHILDREN.**

### **A. INFANT-WELFARE WORK.**

*AIM.—To make available to all mothers (a) advice about recognized methods of caring for their babies and themselves, and (b) the necessary facilities for promoting the health of children.*

#### **Community questions.**

How many public-health nurses are there who give demonstrations to mothers in their own homes about their own care during pregnancy and about the care, feeding, and clothing of babies?



How many births are there each year in the community? How does the number of public-health nurses doing infant-welfare work compare with the annual number of births?

What facilities, such as infant-welfare and prenatal centers, are accessible to mothers for medical advice and supervision in the care of themselves during pregnancy and the care of healthy babies? Are these adequate in the opinion of those who are doing the work? In a city, what districts are not provided for? For a rural community in which no center has been opened what centers in near-by towns are available?

What infant-welfare work, such as is suggested above, is carried on by the city health department or the county authorities?

Is there a division of child hygiene in the city health department? In the State health department?

How many hospital beds are available for confinement cases?

What possibilities are there for medical and nursing care at confinement for mothers who can not afford to pay much?

What proportion of births are attended by midwives?

What provision is there for the licensing and supervision of midwives? What standards of training are required?

Has the completeness of birth registration been tested recently?

**Work to be done.**

Support and increase the work of public-health nurses. Enroll Home Health Volunteers to assist them. Start public-health nursing and volunteer work in any community, whether a city or a rural community, where it has not been attempted.

Carry out as a community activity the Weighing and Measuring Test.

Support existing infant-welfare and prenatal centers and increase their number as they may be needed to reach all neighborhoods in a city and the most remote mothers in rural communities. Start such work in communities where it has not been attempted.

Make available for all mothers good nursing and medical care at time of confinement.

Give publicity to the importance of fresh milk in the diet of nursing mothers and artificially fed babies. (See also I-B.)

Make a test of birth registration, if no such test has been made recently. In any case, try to emphasize the importance of birth registration; if necessary, secure improved legislation and better enforcement.

Where practicable, encourage establishment of a municipal or State division of child hygiene.

#### **B. HEALTH MEASURES FOR YOUNG CHILDREN.**

*AIM.—To point the special needs of the child of preschool age.*

##### **Community questions.**

What provision is made for health supervision of children between infancy and school age by public-health nurses? By infant-welfare centers?

What special measures have been taken during the war to insure an abundant supply of pure milk?

**Work to be done.**

Carry out as a community activity the Weighing and Measuring Test.

Extend work of infant-welfare centers and public-health nurses and their volunteer assistants to include all children between infancy and school age.

Hold children's health conferences during Children's Year.

Make provision for permanent children's health conferences at regular intervals.

Give publicity to the importance of milk in the diet of children.

#### **C. EDUCATION OF MOTHERS.**

*AIM.—To make available to every mother information about the best methods of child care.*

##### **Community questions.**

How much educational publicity on the care of children is being carried on, especially through pamphlets, exhibits, and newspaper articles?

What public courses for mothers are offered in any local educational institutions?

What local clubs, classes, lectures, etc., help in the education of mothers with special reference to children under 6 or 7 years of age?

**What types of mothers are not reached by existing facilities?**

**What provision is made by the schools, health authorities, or private agencies for the instruction of girls in infant hygiene, as, for example, through Little Mothers' Leagues?**

**Work to be done.**

Distribute free educational material.

Develop public opinion so that mothers will demand instruction and that special courses will be provided to meet and stimulate that demand.

Promote school, college, and university extension courses in child care, home cooking, and household organization.

Promote permanent demonstration centers.

Provide especially, during Children's Year, short practical courses for mothers in maternal, infant, and child hygiene.

## II. HOME CARE AND INCOME.

### A. HOUSING AND SANITATION.

**AIM.**—*To insure to each child the home surroundings necessary for health.*

**Community questions.<sup>1</sup>**

**What sort of houses are available for people of low incomes? How generally are they equipped with the necessary conveniences to make easier the work of the housewife?**

**What are the rentals?**

**What choice of dwellings do people in the lower income groups actually have? Is there a house famine? If so, is it due to lack of houses or to the bad condition of empty houses?**

**What points are covered by the State housing law? By a local housing ordinance? Do these include separate dwellings as well as tenements? What provision is made for enforcement of housing laws and ordinances?**

**What is the annual appropriation for health work by the board or department of health? How much is this per capita of population? Is a full-time trained executive employed?**

**Work to be done.**

Back the State and local health authorities in their efforts to raise the standards of sanitation and hygiene.

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<sup>1</sup> In addition to the topics suggested by the questions enumerated, attention might well be given to the abundance and purity of the milk supply, to the supervision of markets and food, and to water, sewerage, garbage disposal, communicable disease, and special educational work in house hygiene.

Stimulate interest in adequate public appropriations for health work and for raising the standards of training required of the staff.

Promote popular courses in house hygiene, expenditure of income, and similar courses in home economics.

If there is a lack of houses in proper condition, cooperate with other organizations in the community to meet the situation.

Other activities will be suggested by the information secured by the committee about its own community.

### B. SPECIAL NEEDS OF OLDER CHILDREN.

*AIM.—To provide the special home comforts and protection needed to safeguard older children.*

#### Community questions.

What are the schools, clubs, or settlements doing to connect the performance of household duties by children with school or club work?

What is the community doing to help parents in their efforts to provide for the home discipline and home recreation of children?

What opportunity is offered by schools and colleges for study of the special problems of the growing child?

In considering wage standards and family budgets, how much attention is given to the cost of the home comforts that are necessary for the best protection of the child?

#### Work to be done.

Carry on an educational campaign on the importance and cost of a fair living standard that includes more than the bare essentials of subsistence.

Urge starting and extending courses, clubs, or other activities adapted to local needs by which serious discussion of questions affecting home discipline and home recreation may be encouraged.

### C. FAMILY INCOME.

*AIM.—To enable mothers to care for their own children at home, with an income sufficient for family needs.*

#### Community questions.<sup>1</sup>

How do the lowest wages paid to men in the community compare with the cost of the things necessary to maintain a fair standard of living, such as clothing, food, housing, furniture, fuel, light, health, recreation, car fare, sundries?

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<sup>1</sup> In addition to the topics suggested by the questions, attention might well be given to the effect upon child life of such industrial problems as the prevention of accidents, the promotion of industrial hygiene, workmen's compensation laws, public employment agencies, unemployment insurance, standards of hours, and the enforcement of labor laws.

In what occupations and industries are men earning wages insufficient to enable them to support their families according to a fair standard?

How are widowed mothers and their children provided for?

How are separation allowances to soldiers' families being supplemented where insufficient?

Why are mothers engaged in gainful work, and what are they doing? How many are working? How are their children cared for?

What standards are required of day nurseries? Are they licensed and supervised? If so, by what authorities?

Are employers encouraging or discouraging the employment of mothers? What is the attitude of social workers?

What is the community doing to make information about family expenditure available?

**Work to be done.**

Endeavor by every possible means to secure the payment of wages which meet the cost of a healthy, well-cared-for childhood.

For families from which the father is absent for military service, see that the separation allowance is secured and that supplementary funds are provided locally where needed.

For widows with children, secure public pensions sufficient for a fair standard of living and efficiently administered.

Take whatever steps seem advisable to reduce the number of working mothers to a minimum.

Secure means for training women in budget-making and expenditure.

### III. CHILD LABOR AND SCHOOL ATTENDANCE.

*AIM.—To maintain standards of child-labor and school-attendance laws under war-time pressure until every other possible labor resource shall have been exhausted.*

**Community questions.**

In what respects are the State child-labor and school-attendance laws below the highest standards in this country?

What exemptions are permitted by State law?

What efforts have been made to secure exemptions because of war conditions?

How great is the need for special assistance to enable children to stay in school?

How many attendance officers are employed? Is there a school census? How is it used to assist in preventing children from going to work illegally?

What efforts are made by the officials who issue employment certificates under the State law to prevent unnecessary employment of children?

How many factory inspectors are there in the State?

How often are places where children are employed in the community visited by an inspector?

How many prosecutions for violations of child-labor laws were made in the community during the last year? How many convictions were secured?

#### Work to be done.

Develop public opinion against the employment of young children to meet family needs.

See that adequate appropriations are made for the enforcement of child-labor and school-attendance laws, and that high standards of training and efficiency are required of school-attendance officers and factory inspectors.

Prevent the shortening of the school term, and require in all districts, urban and rural, a minimum term of nine months.

Try to prevent employment of children under 16 away from home town, or in dangerous or harmful occupations.

Cooperate with other organizations to develop labor resources other than children (and mothers; compare with II-C).

Work for some advance in State legislation and the administration of State laws. (The standards of protection afforded for certain occupations by the Federal Child-Labor Law should be regarded as a minimum standard for all occupations under the State law.)

### IV. RECREATION.

*AIM.—To provide playgrounds and clubs and other recreational activities under leaders possessing spontaneity and training.*

#### Community questions.

(a) In a city.

What neighborhoods are there having no play spaces within easy reach?

What organized recreation is provided for outdoor activities in summer, and for indoor recreational activities?

Do existing plans include opportunity for development of recreation to meet the needs of the growing community?

What efforts are made to raise the standard of commercial recreation?

What provision is there for protecting young people from corrupting influences?

Is all public and private work for standardizing recreation carried on in such a way as to make a coherent program for the community?

(b) In a rural community.

What efforts have been made to develop group activities for children and young people?

What kinds of organized athletics are there for boys and for girls?

Are there suitable meeting places and what leadership is available for indoor (noncommercial) recreation?

Work to be done.

Emphasize the special importance in war time of sufficient diversity in recreation for young people and of active rather than passive forms of play.

Make some definite advance during the year in provision for community play.

Develop trained leadership and supplement with volunteer assistants.

## V. CHILDREN IN NEED OF SPECIAL CARE.

### A. DEPENDENT AND NEGLECTED CHILDREN.

*AIM.—To secure in so far as possible good home care for each individual child.*

Community questions.

What agencies, public or private, are there in the community to which may be reported cases of dependent or neglected children?

What efforts are made to keep children in their own homes instead of sending them to institutions?

What efforts are made to provide home care for homeless children and for those who must be removed from their own homes?

What standards are required of homes in which children are placed? Are these enforced by licensing and supervision?

How is the community meeting the problem of the unmarried mother and her child?

Work to be done.

Maintain the support and personnel of public and private agencies.

Assist local agencies by supplying volunteer workers and other practical help.

Develop public opinion to understand the need for family care of dependent children.

Strengthen and promote work for keeping children in their own homes and providing home care for dependent children.

### **B. PHYSICALLY AND MENTALLY HANDICAPPED CHILDREN.**

*AIM.—To provide care and treatment adapted to individual needs.*

#### **Community questions.**

What provision is there for a physically handicapped child: (a) For the correction of his defect? (b) For special school facilities or special training?

What provision is there for a mentally defective or subnormal child: (a) For expert examination of mentality? (b) For special training? (c) For institutional care if his condition is such that he can not receive necessary care in the community?

#### **Work to be done.**

Guard against cutting down of appropriations for special care and training.

Promote constructive work at points where the local situation is especially weak.

### **C. DELINQUENT CHILDREN.**

*AIM.—To provide preventive treatment of juvenile delinquency.*

#### **Community questions.**

What organizations (public or private) or individuals are there in the community whose business it is to receive reports about children who are delinquent or in danger of becoming delinquent?

Is there a probation officer (or other social worker) responsible for the children's cases that come into court?

Are children's cases heard privately and are children kept entirely apart from adult prisoners both in court and during detention?

What provision is there for studying the history and needs of each individual child that comes before the court?

What trained supervision is provided so that delinquent children need not be sent to institutions?

#### **Work to be done.**

Maintain adequate support and sufficient staff to carry on existing work, public or private, without lowering standards of work.

Promote constructive work at points where local situation is especially weak.

Remedy and prevent conditions in the community that foster juvenile delinquency.



U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, CHM

ADMINISTRATION OF CHILD  
LABOR LAWS

PART 3

EMPLOYMENT-CERTIFICATE SYSTEM  
MARYLAND

By

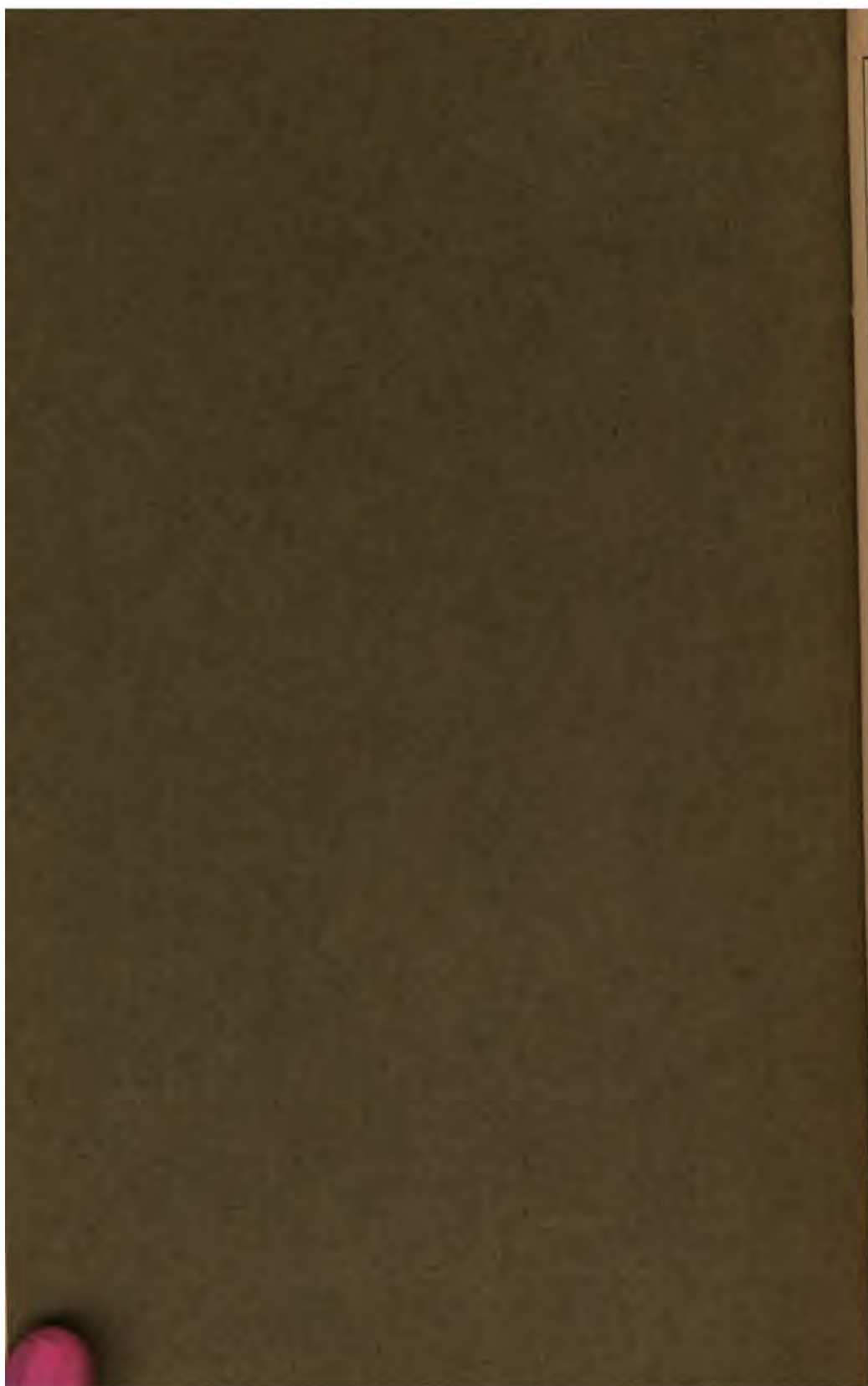
FRANCIS HENRY BIRD and ELLA ARVILLA MERRITT



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U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, Chief

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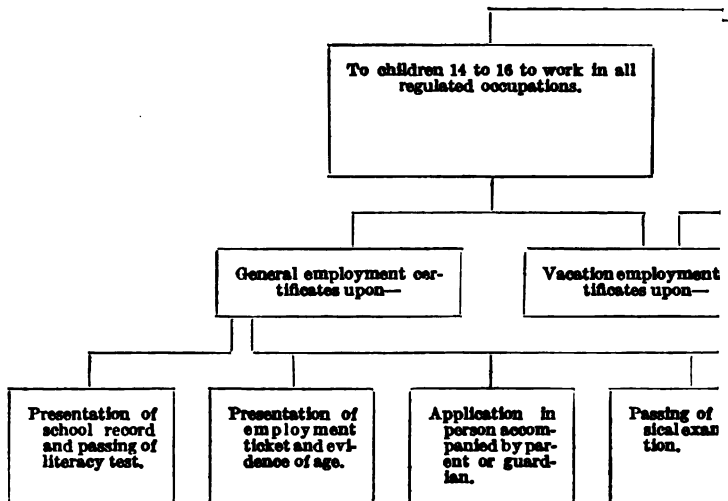
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## INTRODUCTION.

The administration of the employment-certificate system of Maryland differs from that of New York<sup>1</sup> primarily in that to a certain extent it is centralized in one State agency, instead of being chiefly in the hands of local authorities, and from that of Connecticut<sup>1</sup> in that this central agency is a labor and factory-inspection department instead of a board of education.

In Maryland in 1915 approximately 27,000 boys and girls between the ages of 10 and 16 years, or nearly 18 per cent of the total number of such children in the State, are said to have been at work.<sup>2</sup> About 12,000 or nearly 45 per cent of these children were engaged in occupations not subject to any legal regulation, such as farm work, domestic service, and other occupations not specifically enumerated in the child-labor law.<sup>3</sup> Some 13,000<sup>3</sup> or approximately 48 per cent of the number at work were engaged in occupations for employment in which they were required by law to obtain some form of certificate from the State.

In Maryland children between 14 and 16 years of age are granted general or vacation employment certificates permitting their employment in, about, or in connection with any of the establishments or occupations mentioned in the following list:

- Mills.
- Factories.
- Workshops.
- Mechanical establishments.
- Tenement-house manufactories or workshops.<sup>4</sup>
- Office buildings,
- Restaurants.
- Bakeries.
- Barber shops.

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<sup>1</sup> The administration of the employment-certificate systems of New York and Connecticut has been presented in two preceding bulletins of this series, Industrial Series No. 2, Administration of Child-Labor Laws, Parts 1 and 2, Bureau Publications Nos. 12 and 17.

<sup>2</sup> Twenty-fourth Annual Report of the Bureau of Statistics and Information of Maryland, 1915, Summarizing Table No. 1, p. 12. These are the latest data available. The proportion of children employed has increased rather than decreased since that date.

<sup>3</sup> This number does not include 2,801 newsboys and 45 other street traders between the ages of 10 and 16 years who held street trades permits and badges in Baltimore and Cumberland City. Twenty-fourth Annual Report of the Bureau of Statistics and Information of Maryland, 1915, pp. 126, 155. The administration of street trades laws is not included in this study. [The minimum age for newsboys was raised to 12 years by chapter 222 of the Acts of 1916.]

<sup>4</sup> Worded in the law as follows: "Tenement house, manufactory or workshop."

Hotels.  
 Apartment houses.  
 Bootblack stands or establishments.  
 Public stables.  
 Garages.  
 Laundries.  
 Brick or lumber yards.  
 Construction or repair of buildings.  
 Driver.  
 Messenger for a telegraph, telephone, or messenger company.  
 Mercantile establishments.  
 Stores.  
 Offices.  
 Boarding houses.  
 Places of amusement.<sup>1</sup>  
 Clubs.  
 The distribution, transmission, or sale of merchandise.  
 Canning or packing establishments.

Children between 12 and 14 years of age are granted vacation employment certificates to work in canning and packing establishments only. Children under 16 are not permitted to work in any of these occupations or establishments without certificates, and children under 14 must not be employed in any occupation at all during school hours unless they have previously fulfilled the requirements of the compulsory education law.<sup>2</sup>

General certificates permit employment at any time of the year; vacation certificates permit employment only at such times as the compulsory education law does not require the child's attendance at school.<sup>3</sup> The principal difference between the requirements for obtaining general certificates and those for obtaining vacation certificates is that for a vacation certificate the only educational requirement is ability to read and write simple English sentences,<sup>4</sup> whereas to obtain a general certificate a child must present a school record showing that he has completed the fifth grade<sup>5</sup> in the principal branches of study. For either certificate a child must present satisfactory evidence of age, a promise of employment in a legal occupation, and a certificate from an authorized physician stating that he is physically able to do the work for which the certificate is issued.

<sup>1</sup> But children under 16 are prohibited from appearing upon the stage in connection with professional theatrical performances. [A. C. 1911, vol. 3 (1914), art. 100, sec. 8, as amended by Acts of 1916, ch. 222.]

<sup>2</sup> Annotated Code 1911, vol. 3 (1914), art. 100, secs. 4, 5, and 9, all as amended by Acts of 1916, ch. 222, sec. 6. For the text of these sections, see pp. 99, 100.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 12, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 100.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 14, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 101.

<sup>5</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 17. For the text of this section, see p. 102. The education law in effect in the counties (see p. 44) raises the actual requirement for obtaining a general certificate to completion of the seventh grade.

These certificates must be kept on file by all employers subject to the provisions of the law and must be accessible "to any attendance officer, inspector of factories, or other authorized inspector or officer charged with the enforcement" of the child-labor law.<sup>1</sup>

In Maryland, as in Connecticut, employment certificates are good only in the hands of the employer to whom they are made out and must be renewed whenever the child changes employers. In Maryland the law specifies in addition that they shall be renewed also whenever the child's occupation is changed, even though he continues to work for the same employer.<sup>2</sup> Every time the child changes his occupation or his employer, instead of only when he first goes to work, as in New York, he must secure a certificate of physical fitness from an authorized physician.<sup>3</sup>

Maryland has two compulsory education laws, one applying to Baltimore City, which is not a part of any county of the State, and the other applying to the counties—that is, to the entire State outside of Baltimore City. In Baltimore City all children between 8 and 14 years of age, and in the counties all those between 7 and 13 years of age, must attend school throughout the entire session. In Baltimore children over 14, no matter what their grade in school, are exempted from attendance under the education law if they are "regularly and lawfully employed to labor at home or elsewhere," but unless so employed they must continue to go to school until they become 16. In the counties, on the other hand, the compulsory school-attendance law applies to children up to 17 years of age—children of 13 and 14 years being required to attend school for at least 100 days and for the entire session unless regularly and lawfully employed, and those of 15 and 16 years being subject to the same requirements unless they have completed the seventh grade. Children throughout the State who are receiving equivalent instruction elsewhere and those who are mentally or physically unfit to attend school are exempted from these provisions.<sup>4</sup> Attendance officers in both Baltimore City and the counties enforce the provisions of the education law.<sup>5</sup> Schools for white children are in session from 9 to 10 months of the year; those for colored children, from 6½ to 10 months.

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<sup>1</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 9, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 100.

<sup>2</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 10, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 101.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 11, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 100.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 77, secs. 153 and 162, the latter as amended by Acts of 1916, ch. 506. For the text of these sections, see pp. 96, 97.

<sup>5</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 156, as amended by Acts of 1916, ch. 506, and sec. 157. For the text of these sections, see p. 96.

Other laws regulating the work of children in Maryland are those prohibiting their employment in certain dangerous, injurious, or immoral occupations and those restricting their hours of labor.<sup>1</sup> Children of certificate age, i. e., under 16, are forbidden employment in over a hundred different occupations, including operating machinery driven by power other than foot or hand power, employment in mines and coal breakers, and work in many processes involving the use of poisons and on many kinds of dangerous machines. Employment under 16 in theatrical exhibitions is also prohibited.<sup>2</sup> Certain other employments are prohibited for all children under 18 years of age. These include the operation of elevators, work in distilleries, breweries, or other establishments where malt or alcoholic liquors are manufactured or bottled, oiling or cleaning machinery in motion, and many other dangerous and injurious occupations.<sup>3</sup> No minor may be employed in any saloon or bar-room where intoxicating liquors are sold,<sup>4</sup> or be sent by a telegraph, telephone, or messenger company "to any house of ill repute or questionable character."<sup>5</sup>

The child-labor law fixes a maximum of 8 hours per day and 48 per week and prohibits night work between 7 p. m. and 7 a. m. for children under 16 in all the occupations and establishments for which employment certificates are required, except in canning and packing establishments, where there is no restriction on the hours of labor.<sup>6</sup> In addition, the employment of messenger boys under 18 in cities of 20,000 or over<sup>7</sup> between 10 p. m. and 6 a. m. is made illegal.<sup>8</sup>

Employment certificates must be issued in Baltimore City by the State board of labor and statistics and in the counties either by this board or by the county superintendents of schools or persons designated by them in writing.<sup>9</sup> The board has the power to draft certificate forms<sup>10</sup> and should receive from all county certificate-issuing officials duplicates of all certificates granted and a record of all refused.<sup>11</sup>

<sup>1</sup> The employment of children is indirectly affected by the provision of the workmen's compensation act which excludes from its application children employed under the legal working age. A. C. 1911, vol. 3 (1914), art. 101, sec. 33.

<sup>2</sup> A. C. 1911, vol. 3 (1914), art. 100, secs. 7 and 8, both as amended by Acts of 1910, ch. 222. Employment under 16 is also prohibited in rope walking, singing, dancing, and other mendicant or wandering businesses. A. C. 1911, vol. 3 (1914), art. 27, sec. 476.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 21.

<sup>4</sup> A. C. 1911, vol. 2 (1911), art. 56, sec. 98; vol. 3 (1914), art. 100, sec. 22.

<sup>5</sup> A. C. 1911, vol. 1 (1911), art. 23, secs 376, 377.

<sup>6</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 22A, as added by Acts of 1916, ch. 222; secs. 25 and 41, both as amended by Acts of 1916, ch. 222.

<sup>7</sup> Baltimore and Cumberland.

<sup>8</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 24.

<sup>9</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 12, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 100.

<sup>10</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 18. For the text of this section, see p. 102.

<sup>11</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 16, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 102.

The officials of the board of labor and statistics, under the direction of the chairman, are held responsible for the enforcement of the child-labor laws throughout the State,<sup>1</sup> and inspectors are appointed for this purpose. The mine inspector for Allegany and Garrett Counties, the only mining counties in the State, cooperates with the child-labor inspector for that district by reporting to her cases of illegal employment. School-attendance officers may enter industrial establishments to inspect employment-certificate files, and are required to report all children found illegally employed both to the certificate-issuing officer and to the school authorities.<sup>2</sup>

This study describes the laws relating to employment certificates in effect on December 1, 1917, and the system of administration existing at that time. Information for the cities of Baltimore, Cambridge, Cumberland, Frederick, and Hagerstown, and for the counties of Allegany, Anne Arundel, Baltimore, Frederick, Garrett, and Washington has been obtained by field investigation. Data for the other Maryland counties were secured through interviews with the officials of the State board of labor and statistics and by field studies in six of the eastern counties. Seven physicians, who issued over 1,000 certificates in 1917, were interviewed. Information was also obtained from the published reports of the board.

At the time the study was made the United States child-labor law<sup>3</sup> had been in force for only three months and had not materially affected the methods of administration of the State law.

Since the completion of this study certain changes have been made in the Maryland laws relating to employment certificates.<sup>4</sup> The child-labor law has been amended in the following particulars:

1. The minimum age for employment in canning and packing establishments is raised from 12 to 14.

2. Vacation employment certificates may be issued only to children between the ages of 14 and 16 instead of to children between 12 and 16.

3. The State board of labor and statistics is given the power to issue temporary employment certificates to boys between 14 and 16 years of age who are mentally retarded and are unable to make further advancement in school, upon the written recommendation of the superintendent of schools of Baltimore or of any county.

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<sup>1</sup> A. C. 1911, vol. 3 (1914), art. 27, sec. 273; art. 100, sec. 48, as amended by Acts of 1916, ch. 222. For the text of these sections, see pp. 95, 104.

<sup>2</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 166; art. 100, sec. 34. For the text of these sections, see pp. 98, 103.

<sup>3</sup> This law has since been declared unconstitutional (June 3, 1918).

<sup>4</sup> Acts of 1918, ch. 495, sec. 1, amending A. C. 1911, vol. 3 (1914), art. 100, secs. 5, 13, and 15; Acts of 1918, ch. 495, sec. 2, adding sec. 36A to A. C. 1911, vol. 3 (1914), art. 100.

4. Specified documentary evidence of age<sup>1</sup> is made acceptable evidence for the issuance of an employment certificate, provided a birth or baptismal certificate or a passport can not be obtained.

## GENERAL ADMINISTRATION.

In Maryland the administration of the laws relating to employment of children under 16 is principally in the hands of two agencies, the State board of labor and statistics and the local school authorities or their deputies. The State board issues certificates in Baltimore and by agreement with the county school superintendents in certain other places, appoints the examining physicians in Baltimore, and enforces the child-labor law by means of its inspectors throughout the State; the county school superintendents have the power either to issue certificates or to depute some person to issue them outside of Baltimore City and to appoint the examining physicians in the counties;<sup>2</sup> the local school principals everywhere issue school records;<sup>3</sup> and both the school superintendents and the school principals, together with the attendance officers, enforce the compulsory school-attendance law.<sup>4</sup> In addition the Baltimore police commissioners have charge of the annual school census taken in that city,<sup>5</sup> while in the counties, beginning in 1918, the county school superintendents under the direction of the State board of education will direct the taking of a biennial county school census.<sup>6</sup> The whole employment-certificate system is dominated, however, by the State board of labor and statistics, which, by reason of its power to draft the blank certificate forms to be used,<sup>7</sup> as well as because of its general responsibility for the enforcement of the entire child-labor law,<sup>8</sup> exercises supervision over the work of the school superintendents and the persons designated by them to issue certificates.

In practice, employment certificates are issued (1) by the Baltimore office of the board of labor and statistics to applicants, not

<sup>1</sup> The evidence specified is as follows: "A bona fide contemporary record of the date and place of the child's birth kept in the Bible in which the records of the births in the family of the child are preserved, a passport showing the age of the child, a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the child, or a life insurance policy; provided that such other [sic] satisfactory documentary evidence has been in existence at least one year prior to the time it is offered in evidence; and provided further that a school record or a parent's, guardian's, or custodian's affidavit, certificate, or other written statement of age shall not be accepted except as specified in paragraph (d) [requiring physician's certificate of age]."

<sup>2</sup> A. C. 1911, vol. 8 (1914), art. 27, sec. 273; art. 100, secs. 12, 13, and 48, all as amended by Acts of 1910, ch. 222 (sec. 13 amended also by Acts of 1916, ch. 701). For the text of these sections, see pp. 95, 100, 104.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 17. For the text of this section, see p. 102.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 77, secs. 157, 160. For the text of these sections, see pp. 96, 97.

<sup>5</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 159. For the text of this section, see p. 97.

<sup>6</sup> A. C. 1911, vol. 3 (1914), art. 77, secs. 12F, 21B, and 25M, all as added by Acts of 1916, ch. 506. For the text of these sections, see p. 95.

<sup>7</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 18. For the text of this section, see p. 102.

<sup>8</sup> A. C. 1911, vol. 3 (1914), art. 27, sec. 273; art. 100, sec. 48, as amended by Acts of 1916, ch. 222. For the text of these sections, see pp. 95, 104.

only from Baltimore City but from adjacent counties;<sup>1</sup> (2) by the agent in charge of the board's branch office at Cumberland to applicants in the four western Maryland counties, Allegany, Frederick, Washington, and Garrett;<sup>2</sup> (3) by the agent in charge of the board's branch office at Cambridge to applicants from a part of Dorchester County; and (4) by physicians appointed for the purpose by the county school superintendents to applicants from the rest of Dorchester County and from the other Maryland counties.

The certificate forms used<sup>3</sup> are drafted by the board of labor and statistics and furnished by that board to the issuing officers as the law requires. The preliminary papers required by law need not be those formulated by the board provided they state fully the facts called for,<sup>4</sup> but in practice those used are in nearly all cases the forms drafted and supplied by the board. These papers are a promise of employment,<sup>5</sup> a school record,<sup>6</sup> a physician's certificate of physical fitness,<sup>7</sup> and, if no preferred evidence of age can be produced, an affidavit of the parent together with a physician's certificate of age.<sup>8</sup> County issuing officials must keep a record of all applications for certificates upon blanks furnished by the board.<sup>9</sup>

The number and kind of employment certificates issued in Maryland during 1916 is shown in the table below.<sup>10</sup>

NUMBER AND KIND OF EMPLOYMENT CERTIFICATES ISSUED IN MARYLAND DURING 1916.

Locality.	All certificates.	General employment certificates. <sup>a</sup>			Vacation employment certificates. <sup>a</sup>		
		Total.	Original.	Subsequent.	Total.	Original.	Subsequent.
Entire State.....	15,217	8,612	4,051	4,561	6,606	5,147	1,458
Baltimore office.....	11,541	8,256	3,695	4,561	3,285	1,939	1,346
Western counties.....	709	246	246	(b)	463	370	93
Eastern counties.....	2,967	110	110	(b)	2,857	2,838	19

<sup>a</sup> Temporary certificates are not included. Information as to the number of such certificates issued in 1916 is not available.

<sup>b</sup> The reports from the western and eastern counties show no subsequent general certificates issued in 1916.

<sup>1</sup> Any child may secure a certificate at the Baltimore office, and children who live within the 5-cent fare zone must do so. Practically all applicants from Baltimore and Anne Arundel Counties come to the Baltimore office.

<sup>2</sup> No certificates were issued in Garrett County in 1916.

<sup>3</sup> Forms 1, 2, 3, 4; pp. 107-110.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 18. For the text of this section, see p. 102. This section specifies that the "certificates and other papers" required in the issuance of employment certificates are to be formulated by the board, but partially nullifies this provision by adding a proviso that the preliminary papers shall be sufficient if they state fully the facts called for by the law, even though they are not on forms furnished by the board.

<sup>5</sup> Form 5, p. 110.

<sup>6</sup> Form 6, p. 111.

<sup>7</sup> Form 7 (reverse) contains the physician's certification. (See p. 112.)

<sup>8</sup> Form 8, p. 112.

<sup>9</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 16, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 101.

<sup>10</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 101, 133, 134, 139, 145, 154, 157.

*Baltimore office.*—The staff of the board of labor and statistics, which under the general direction of the chairman attends to the issuance of employment certificates in Baltimore City, consists of eight persons: The assistant to the board, who supervises the work of the staff; a receiving and filing clerk; a certificate-issuing officer; an assistant certificate-issuing officer; two examining physicians; and two stenographers, who are also file clerks. In addition, as the board does not have a clerical or statistical staff, it has been necessary for from two to four days each month to secure the assistance of five of the seven inspectors attached to the board in the filing of records, the performance of clerical work, and the tabulation of statistics of the month's work. There are no civil-service requirements for these positions, and the board, subject to the approval of the governor, appoints its own staff, including the examining physicians.<sup>1</sup>

Applicants for certificates who live in Baltimore City, as well as those from adjacent counties, are received at the main office of the board of labor and statistics, which is located in a large office building in the center of the city near the business district. The office is open from 8.30 a. m. to 4.30 p. m. The physical examinations are made usually between 10 a. m. and 1 p. m., when at least one of the examining physicians is on duty.

During 1916 the Baltimore office dealt with 16,557<sup>2</sup> applicants for certificates or permits of different kinds, issued 11,541 employment certificates, and refused 2,268 applications for such certificates.<sup>3</sup>

*Western Maryland counties.*<sup>4</sup>—The staff of the board of labor and statistics, which under the general direction of the chairman issues all employment certificates in Allegany, Frederick,<sup>5</sup> Garrett, and Washington Counties, consists of a child-labor inspector and a clerk, with headquarters in Cumberland. Both the inspector and the clerk issue certificates in Cumberland. The inspector issues certificates also in Lonaconing, Frostburg, and Mt. Savage in Allegany County, in Hagerstown and Williamsport<sup>6</sup> in Washington County, in Frederick in Frederick County, and wherever needed in Garrett County. The inspector visits Hagerstown at least three times a month and the

<sup>1</sup> A. C. 1911, vol. 2 (1911), art. 89, sec. 1, as amended by Acts of 1916, ch. 406; vol. 3 (1914), art. 100, sec. 48, as amended by Acts of 1916, ch. 222. For the text of these sections, see pp. 98, 104.

<sup>2</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 101. The 16,557 applications include those of newsboys, other street traders, and children desiring "over-16" statements. Although the issuance of street trades permits is not included in this study, the total number of applications of all kinds is given here to show the work done by the certificate-issuing officials.

<sup>3</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 101.

<sup>4</sup> This term is used throughout the report to indicate the four counties of Allegany, Frederick, Garrett, and Washington.

<sup>5</sup> The physician appointed for Brunswick has power to issue certificates, but has never exercised that power.

<sup>6</sup> Applicants from Williamsport usually apply at Hagerstown for certificates, but in the summer of 1916 the inspector issued vacation certificates for employment in a cannery in Williamsport at the cannery office.



other places at irregular intervals. Twelve physicians have been appointed by the county school superintendents to give the physical examinations to applicants for certificates in these counties, but in actual practice the examinations are usually given by the physicians appointed for the six towns named above, since nearly all the certificates are issued in those places.

At irregular intervals the examining physicians send to the county superintendents of schools lists of the children examined<sup>1</sup> in order to collect the fee of 50 cents to which they are entitled for each physical examination given.<sup>2</sup> Before these lists are sent to the superintendents—a formality required by the law—they are submitted to the issuing officer, who compares them with her record of certificates issued. They are forwarded by the superintendents to the Baltimore office of the board of labor and statistics where statements<sup>3</sup> of amounts due to the physicians are prepared and payment is made.

The Cumberland office is in a suite of rooms occupied by the county school commissioners, one of which they have set aside for the use of the board. In Hagerstown the inspector has an office in the same building as the examining physician, while in the other places visited she uses the offices of the examining physicians. The office of the physician in Cumberland is located about three blocks from that of the issuing office.

During 1916, 709 employment certificates were issued to children in these counties, and 497 applications were refused.<sup>4</sup>

*Eastern Maryland counties.*<sup>5</sup>—In August, 1916, the board of labor and statistics established a branch office in Dorchester County, with headquarters at Cambridge. The staff, which consists of a child-labor inspector and a clerk, is responsible, under the general direction of the chairman of the board, for the issuing of all employment certificates in the city of Cambridge and in Dorchester County south of Cambridge.<sup>6</sup> The office is open from 9 a. m. to 12 m. and from 1 to 4.30 p. m., daily except on Saturday, when it closes at noon. Certificates are issued only in Cambridge and during the summer in some cases on cannery premises. All the work of issuing is done by the clerk. The physical examinations are given by a physician appointed by the county school superintendent.

<sup>1</sup> Form 9, p. 113.

<sup>2</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 47. For the text of this section, see p. 104.

<sup>3</sup> Form 10, p. 113.

<sup>4</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 133-135, 145. In addition, this office issued 139 street trades permits to children in Cumberland. *Ibid.*, p. 134.

<sup>5</sup> This term is used throughout the report to indicate all the Maryland counties except Alleghany, Frederick, Garrett, and Washington (called the western Maryland counties) and those parts of Baltimore and Anne Arundel Counties which are under the jurisdiction of the Baltimore office.

<sup>6</sup> The issuing of certificates in the extreme southern part of this county (Hoopers Island) is not under the jurisdiction of this office.

Elsewhere in the eastern counties the physicians appointed as medical examiners by the county school superintendents issue employment certificates; each physician is assigned a specified district. These issuing officers are under the general direction of the chairman of the board.<sup>1</sup> They receive applicants during their regular office hours; but frequently, by special arrangement with employers, they examine on the premises children who are to go to work in canneries.

These issuing physicians send to the State board of labor and statistics, usually once or twice a year, lists of the children to whom they have issued certificates, in order to obtain the 50-cent fee for each physical examination. The same form<sup>2</sup> is used and the same procedure is followed in transmitting the lists as in the western counties. At the same time they send also the duplicates of certificates issued which the law requires them to forward to the State board.<sup>3</sup> The law also specifies that whenever a certificate is refused a record of the refusal shall be sent to the board, and the physicians are instructed to use a special form<sup>4</sup> for this purpose. Some of the physicians, however, do not send in these reports of refusals at all, and those who do comply with this provision send them not at the time of the refusal but once or twice a year along with the lists of certificates issued. Sometimes the prescribed forms are used; at other times the names are merely listed. All these duplicate certificates and reports are examined carefully in the office of the board of labor and statistics. If a certificate is not properly filled out, if the data it contains do not agree with the report of certificates issued, or if it appears to have been issued illegally, a board official through correspondence with the issuing officer either secures the missing data or corrects the errors. If after investigation a certificate is shown to have been issued contrary to law, it is revoked by the board. In these cases the issuing officer must recall the original certificate, send it to the office of the board, and see that the child is dismissed. After this examination a statement<sup>5</sup> of the amount due the physician is filled out, and payment is made as in the western counties.

During 1916, 53 of the 82 physicians appointed for these counties reported a total of 2,967 employment certificates issued, 18 reported that they had issued none, 5 made partial reports, and 6 made no reports. The number of certificates includes also those issued by the representative of the board of labor and statistics at Cambridge after August 1, 1916. Between January and August the examining

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<sup>1</sup> For instructions in regard to methods of issuing certificates, sent by the State board of labor and statistics to the issuing officials in the eastern counties, see p. 125.

<sup>2</sup> Form 9, p. 113.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 16, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 102.

<sup>4</sup> Form 11, p. 113.

<sup>5</sup> Form 10, p. 113.

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physicians granted all the certificates issued. Of these certificates 2,857, or over 96 per cent, were vacation, and only 110 were general employment certificates.<sup>1</sup> This is explained by the fact that in these counties children are employed, for the most part, between June and November in the canning of vegetables and sea food, both seasonal industries. According to these reports, 83 applications for certificates were refused.<sup>2</sup>

## METHODS OF SECURING CERTIFICATES.

Four principal kinds of employment certificates are issued in Maryland: (1) Original general certificates; (2) subsequent general certificates; (3) original vacation certificates; and (4) subsequent vacation certificates.<sup>3</sup> In addition to these, the board of labor and statistics grants temporary certificates in certain cases. Upon presentation of satisfactory evidence of age, this board also issues "over-16 statements" to employers on request for children who claim to be over 16 years of age but for whom an inspector might demand evidence of age.

### ORIGINAL GENERAL CERTIFICATES.

In order to obtain an original general certificate, a child must (1) come to the office of the certificate-issuing official; (2) be accompanied by one of his parents, his guardian, or legal custodian, or, lacking any of these, by his next friend; (3) bring an "employment ticket," a prescribed form of promise of employment, signed by an employer; (4) submit satisfactory evidence of age; (5) present a school record showing that he has complied with the educational requirements of the certificate law; (6) pass a literacy test; and (7) pass a physical examination.<sup>4</sup>

Where representatives of the board of labor and statistics issue certificates, school-record forms are distributed to the principals of all public, private, and parochial schools. In other places the issuing officers give these forms to the children upon application. Employment-ticket forms have been widely distributed by the board in manufacturing establishments, settlement houses, schools, and other places where they will be accessible to children.

<sup>1</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 153, 154.

<sup>2</sup> *Ibid.*, p. 160.

<sup>3</sup> The law provides for two main classes of employment certificates, general and vacation, and specifies certain conditions under which new certificates shall be issued. The classification here given is that used by the board of labor and statistics for administrative purposes. A. C. 1911, vol. 8 (1914), art. 100, sec. 12, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 100.

<sup>4</sup> A. C. 1911, vol. 8 (1914), art. 100, sec. 13, as amended by Acts of 1916, chs. 222, 701; sec. 14, as amended by Acts of 1916, ch. 222. For the text of these sections, see pp. 100, 101.

Instructions<sup>1</sup> giving clearly and concisely the essential directions to be followed by both parents and children in securing employment certificates have been prepared and distributed with the employment tickets in Baltimore City, but in spite of these instructions many children do not bring the requisites necessary for obtaining a certificate on their first visit to the issuing office. Similar sets of instructions,<sup>2</sup> for use in the eastern counties have been sent to the examining physicians to be given to parents and children, but they have not been generally distributed. In the western counties there are no printed instructions for distribution, but information regarding the law and the requirements for a certificate is circulated widely by the representative of the board and by the attendance officers.

According to law all Maryland children must comply with the same requirements in order to obtain certificates. The procedure followed, however, differs according to whether application is made to the officials of the board of labor and statistics in Baltimore City, in the western Maryland counties, or in Cambridge and vicinity in Dorchester County, or is made to the physicians authorized by the county school superintendents to issue certificates in other places in the eastern counties. Children to whom certificates are granted by county issuing officials must make application in the county where they reside.<sup>3</sup>

*Baltimore office.*—If a child who wishes to apply for a certificate follows the procedure outlined in the instructions, he first obtains a blank employment ticket<sup>4</sup> from the principal of the school which he has last attended. After his prospective employer has filled out this ticket, the child returns to the principal and obtains his school record.<sup>5</sup> Next he secures either a transcript of his birth certificate from a public official or a transcript of his baptismal certificate from the church where he was christened,<sup>6</sup> usually the latter.<sup>7</sup> When he has his employment ticket, his school record, and his evidence of age, the child in company with his parent<sup>8</sup> visits the office of the board.

He is met in the outer office by the receiving clerk, who examines his documents and searches the files to ascertain whether this is his

<sup>1</sup> Form 12, p. 113.

<sup>2</sup> Form 13, p. 114.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 12, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 100.

<sup>4</sup> Form 5, p. 110.

<sup>5</sup> Form 6, p. 111.

<sup>6</sup> Form 14, p. 114.

<sup>7</sup> To comply literally with the law he should first try to secure a transcript of his birth certificate, but, except in the case of a child born in Maryland outside of Baltimore, the issuing officer accepts a baptismal certificate as evidence of age and attempts later himself to obtain a birth certificate as corroborating evidence. See section on evidence of age, p. 35.

<sup>8</sup> The word "parent," both here and throughout the following discussion, is used to cover also any person who stands in parental relation to the child.

first visit to the board. She then places the documents, together with any record of the child found in the files, on the desk of the issuing officer in an adjoining room. When their turn comes, the parent and child are interviewed by the issuing officer, who notes on an information slip<sup>1</sup> the name, address, age, birthplace, and physical description of the applicant, the kind of evidence of age submitted, his school history and his reasons for leaving school, his prospective occupation, the name and address of the employer, and the kind of certificate requested. The birthplace, nationality, and occupation of the child's father and of his mother are also recorded. Next, as a means of identification, the parent and the child attach their signatures to an information card,<sup>2</sup> to which all the data on the information slip are later transferred by a typist. The parent also signs the information slip. In addition, every child is required to write the following sentence at the bottom of his information card: "If I change work, I must get a new permit." If his employment ticket, evidence of age, and school record are satisfactory to the issuing officer, he awaits in an adjoining room his turn for the physical examination, and when called, goes into the physician's office to be examined.

If the child meets the physical requirements of the law, the examining physician records the results of the examination on the information slip, which he has obtained from the issuing officer, and signs his initials. The child now takes this slip to a typist in another room who examines it carefully to see whether it indicates that he has fulfilled all the requirements. If it does, she fills out in duplicate on a billing machine a general employment certificate form<sup>3</sup> upon which the signature of the chairman of the board is printed and the signature of the issuing officer is stamped.

After the child signs the original certificate it is given to him to take to his employer, while the duplicate is kept on file. Later the data on the information slip are transferred to the information card, and both are filed as permanent office records.

The certificate states that the child has met the requirements of the law and that he may work for the employer specified in the occupation and industry designated. It also gives the age, date of birth, and a brief physical description of the child, together with his signature, and contains instructions to the employer as to the returning of the certificate, legal hours of labor for children under 16 years of age, and occupations in which the employment of such children is prohibited.

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<sup>1</sup> Form 7, p. 111. A blue slip is filled out for a girl and a yellow one for a boy.

<sup>2</sup> Form 7, p. 111. The form of the information card is exactly like that of the slip. The card, which is of heavier material, is a more useful permanent record than the slip, though both are preserved. A blue card is filled out for a girl and a yellow one for a boy.

<sup>3</sup> Form 1, p. 107.

A child who on his first visit does not bring all the papers required is instructed how to secure whatever evidence of his eligibility—such as proof of age or a school record—he may lack; or, if the issuing officer finds that he can not comply with the law, he is refused a certificate and reported to the school authorities. In either case an information slip is filled out as completely as possible. With the exception of one class of applicants every child is interviewed by the issuing official, and an information slip is made out for him. This exception occurs when a child comes to the office with no documents whatever and unaccompanied by his parent. Such a child is instructed by the receiving clerk to bring his parent and is given directions how to secure the necessary documents, but no record is made concerning him unless he returns.

If satisfactory evidence of age is not presented on the child's first visit and the parent says that he can not bring such evidence, the parent makes affidavit to the age, date and place of birth, and present residence of the child.<sup>1</sup> He also certifies that he can secure none of the documentary proofs required by law.<sup>2</sup> The oath is administered by the issuing officer without charge.<sup>3</sup> This procedure is designed to save the parent the necessity of returning to file his affidavit in case none of the documentary proofs of age admitted by law can be obtained. The child is then examined for a certificate of age by a board physician, and the estimate of physiological age is recorded in a space provided on the affidavit form.<sup>4</sup> If the physician certifies that he is of legal age, and if the child fulfills the other requirements of the law, he is granted a temporary certificate<sup>5</sup> good for 10 days. A child born in Baltimore, however, is required to wait for two days before being examined for a certificate of age or receiving a temporary certificate while an effort is being made to obtain a birth certificate from the city department of health. And if a child was born in Maryland, outside of Baltimore, a telephone inquiry is made of the State board of health<sup>6</sup> as to whether the birth is registered before the parent's affidavit is secured.

After a temporary certificate has been granted, the issuing officer attempts to obtain some form of documentary evidence of the child's age to substantiate the evidence accepted. If no contradictory evidence is secured, a regular certificate is issued at the end of the 10-day period on the basis of the affidavit and the physician's certificate of age, or, if preferred evidence is obtained, on the basis of such evidence.

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<sup>1</sup> Form 8 (reverse), p. 112.

<sup>2</sup> Form 8, p. 112.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 49. For the text of this section, see p. 105.

<sup>4</sup> For procedure in obtaining such a certificate, see p. 30.

<sup>5</sup> The offices of the State board of health are located in Baltimore City.



The method of attempting to obtain preferred evidence varies according to whether the child was born (1) in Baltimore City, (2) outside of Baltimore City but in Maryland, (3) outside of Maryland but in the United States, and (4) outside of the United States.

If the child was born in Baltimore City, a request for a transcript of the birth certificate,<sup>1</sup> together with a card on which a reply may be written,<sup>2</sup> is mailed immediately to the registrar of the city department of health. The latter either returns the transcript<sup>3</sup> without charge or sends back a statement that the birth is not registered. The issuing officer also instructs the child to try to secure in the meantime a baptismal certificate or other documentary evidence, and sometimes writes or telephones to persons who may be able to furnish the data. The child is told to return in two days, when an answer from the department of health may be expected.

If the child's birthplace is outside Baltimore City but in Maryland, the issuing officer inquires by telephone of the Baltimore office of the State board of health whether the birth of the child has been registered. If the record of the birth is on file, the date of birth is accepted as given over the wire. It is not considered necessary to secure a transcript of the certificate in such instances. If the birth is not registered, the issuing officer sends a form letter<sup>4</sup> to the local registrar, an official of the church where the child was baptized, the physician who attended at his birth, or any other person who might have a record of his age. This letter asks for such evidence of the child's age as the person addressed may be able to furnish.

If the child's birthplace is outside of Maryland but in the United States, a similar form letter requesting evidence of age is sent to some official or other person residing in the child's birthplace.

The child whose birthplace is outside of the United States is not required to write abroad for documentary evidence, but an effort is made to secure any such evidence as may exist in this country. Even before the beginning of the European war such a child was not always required to write for his birth certificate.

If an applicant does not present a school record he must get one from the principal of the school which he last attended, and if it is not properly signed or in some other way is improperly filled out he is sent back to his principal to have it corrected. No provision is made for the issuance of school records during vacation, but a form letter is sent in June of each year to all schools in Baltimore City and to the public schools in Baltimore County, calling attention of the principals to the fact that these records must be presented by applicants for general employment certificates, and asking that they

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<sup>1</sup> Form 15, p. 115.

<sup>2</sup> Form 16, p. 115.

<sup>3</sup> Form 17, p. 115.

<sup>4</sup> Forms 18, 19, 20, p. 116.

be furnished to all children who intend to apply for such certificates during the summer. If the school record presented does not convince the issuing officer that the child has fulfilled the educational requirements, a test is given in performing simple operations in arithmetic. If the school last attended is outside Baltimore City the issuing officer sends for the school record unless the child brings it with him, and, in addition, in some cases a test similar to that just mentioned is given. If the board physician, after investigation, certifies that a child is mentally unable to make further progress in his studies, the educational requirements may be waived and a temporary certificate issued.<sup>1</sup>

A child who does not present an employment ticket, or who presents a ticket which is unsatisfactory, is instructed to bring one which meets the requirements of the law.

It is sometimes necessary for a child to make two or more visits to the office and to wait for one or two days and sometimes longer before he is permitted to report to the board physician, since he does not usually take the physical examination until he has satisfied the issuing officer that he has met all the requirements in regard to age, education, and employment. The only exception to this rule occurs when a child is to be examined for a physician's certificate of age. Such a child is given the examination for physical fitness at the same time as the examination for age. Moreover, a child applying for a certificate in the afternoon must wait until the next morning for his physical examination, as the physician's hours are between 10 a. m. and 1 p. m.

If an applicant fails to pass the physical examination, that fact is noted on his information card, and one of four courses, depending on the seriousness of the defect discovered, may be followed:

1. The certificate may be withheld temporarily while the child is undergoing treatment for a remediable defect which makes it inadvisable for him to work even for a short time.

2. Occasionally a temporary certificate<sup>2</sup> may be given the child which permits him to work for a specified time while undergoing treatment for minor physical defects, which must be corrected before he is granted a regular certificate.

3. The certificate may be withheld until the child obtains a promise of employment in an occupation more suited to his physique than that for which he has presented an employment ticket.

4. The certificate may be refused unconditionally.

In 1916, 183 applications for general and 124 for vacation employment certificates<sup>3</sup> were refused either unconditionally or until certain

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<sup>1</sup> For procedure in securing such certificates, see p. 32.

<sup>2</sup> Form 21 (both face and reverse), p. 118.

<sup>3</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 113.

defects were corrected or another promise of employment obtained. No data are available as to the number of temporary certificates granted or as to the number of applicants refused for each separate cause.

When any defect is discovered, a card specifying the defect and advising treatment<sup>1</sup> is given to the child to give to his parent. If the parent is with the child at the time of the examination the physician also impresses upon the parent the facts as to the child's condition and urges proper treatment. If the family has a regular physician, the child is advised to go to him; if not, attention is called to the list of dispensaries printed on the reverse side of the card<sup>2</sup> at which skillful treatment may be obtained free. The child is advised to go to the dispensary nearest his home. When a child whose certificate has been withheld or who has been granted a temporary one returns to the office to obtain a regular certificate, he is required to bring back this card, on which has been entered the report of the physician who has treated him, and it is filed in the office.

If a certificate is refused unconditionally, a duplicate of the card given to the child is sent on the same day to the instructive visiting nurse association, and a nurse in the territory in which the child lives is assigned to the case. If she finds that the child has not received medical attention as advised, she tries to impress the parents with the importance of sending him immediately to a physician or to a dispensary. If a child whose certificate is withheld pending correction of some physical defect does not return to the office of the board within a month, his name is also reported to the association and a nurse follows up the case in the same way.

Both when a certificate is refused unconditionally and when it is withheld until a physical defect is corrected or until a promise of employment in another occupation is obtained, the child is told to return to school and his name is reported to the school attendance department within a week.

When a child whose parents claim to be in need must be refused a certificate because he can not fulfill the requirements, the parent is asked if he is willing to accept charitable relief. If he consents, the issuing officer writes immediately to the organization best fitted to give assistance. The organization usually reports later to the board what has been done. Of 98 cases referred in 1916 relief was supplied in at least 24.<sup>3</sup>

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<sup>1</sup> Form 22, p. 117.

<sup>2</sup> Form 22 (reverse), p. 117.

<sup>3</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 15, 99.

During the year ended December 31, 1916, the Baltimore office of the board of labor and statistics issued 3,695 original general certificates.<sup>1</sup>

*Western Maryland counties.*—The procedure followed in the issuing of original general certificates in Cumberland is the same as that followed in the Baltimore office of the board of labor and statistics with the following exceptions. An information slip and an information card are made out for each applicant whether or not he brings any papers or comes with his parent. The children receive their physical examinations in the office of the examining physician appointed by the county school superintendent, while in Baltimore they are examined in the board office by the board physicians. The blank promise of employment is obtained from the prospective employer instead of from the school principal as in Baltimore. The child signs his name but is not required to write a sentence on his information card, and the parent signs only the information card instead of both the card and the slip. In places where evening schools have been established a child whose school record shows that he has not fulfilled the county compulsory school-attendance requirements, which are higher than the educational requirements for a general employment certificate,<sup>2</sup> is given a vacation certificate<sup>3</sup> on condition that he will attend evening school. General certificates, however, are granted only to those applicants whose school records show that they have fulfilled the requirements of the county school-attendance law. Such a record is always accepted without any educational test other than the child's signature.

The forms, with the three following exceptions, are the same as those employed in the Baltimore office. The request to the city department of health for a transcript of a birth certificate<sup>4</sup> and the card for reply<sup>5</sup> are not used. This information is obtained from city and county registrars by telephone, by letter, or by personal investigation. The card recommending treatment of physical defects<sup>6</sup> is not used, as the list of dispensaries on the reverse side makes it applicable to Baltimore City only, but children whose defects should be corrected are followed up by the issuing officer.

In all the other places in the western Maryland counties the same procedure is followed as in Cumberland if the child applies for a certificate during one of the visits of the issuing officer. At other times he makes application to the examining physician, who, upon presentation of evidence of age and a promise of employment in a

<sup>1</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 101.

<sup>2</sup> See p. 44.

<sup>3</sup> For procedure in such instances, see p. 29.

<sup>4</sup> Form 15, p. 115.

<sup>5</sup> Form 16, p. 115.

<sup>6</sup> Form 22, p. 117.

legal occupation, issues a temporary certificate<sup>1</sup> good until the next visit of the representative of the board. At that time the child must return to the office and secure an original general certificate, following the procedure described for Cumberland. In Frostburg, however, the physician gives the physical examination before he grants the temporary certificate, as his office hours are not at the same time as those of the issuing officer when she visits the town. The data on the information slips are transferred to the information cards by the assistant in the Cumberland office.

In Cumberland, Frederick, Hagerstown, and Frostburg children who are refused certificates and whose families are in need of charitable assistance are reported to local aid societies.

During 1916 there were issued in the western Maryland counties 246 original general certificates.<sup>2</sup>

*Eastern Maryland counties.*—In the eastern counties a child desiring a general employment certificate, if he lives in Cambridge or in Dorchester County south of Cambridge,<sup>3</sup> must apply to the representative of the board of labor and statistics whose office is at Cambridge. If he lives elsewhere he must apply at the office of the local physical examiner, who is also the issuing officer.

A child applying for a general employment certificate at the Cambridge office follows substantially the same procedure as that described for the Baltimore office with the following exceptions. If he does not present a birth or baptismal certificate or a passport he is not given a 10-day temporary certificate, as the law provides, but is granted a regular certificate, either on the basis of documentary evidence such as a Bible or other religious record or on the basis of the parent's affidavit supported by a physician's certificate of age. The issuing officer attempts afterwards to obtain a birth certificate, either by consulting the county records or by sending letters to the child's birthplace as is done in the Baltimore office. The school record must show that the child has completed the seventh grade<sup>4</sup> and is usually supplemented by a statement from the county attendance officer to this effect. No educational test is given other than the requirement that the child sign his name and write on the information slip such a sentence as "If I change work, I must get a new permit." The parent signs only the information card instead of both the card and the slip. A child who applies for a general certificate during vacation and is unable to obtain his school record is granted a vacation certificate. The physical examination is given in

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<sup>1</sup> Form 21, p. 116.

<sup>2</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 134, 139.

<sup>3</sup> The issuing of certificates in the extreme southern part of this county (Hoopers Island) is not under the jurisdiction of the Cambridge office.

<sup>4</sup> For ruling of board of labor and statistics on this point, see p. 44.

the office of the examining physician, which is situated one block from the issuing office.

With the exception of the employment certificate, the same forms are used as in the western Maryland counties. The certificate form<sup>1</sup> is that designed for the eastern counties. It differs in several particulars from that in use in the Baltimore office and in the western counties. Additional spaces are given in which to indicate the kind of evidence of age accepted, attendance at school, and grade completed. Instead of the general statement that the child "has complied with the provisions of section 13, chapter 731, Acts of 1912," it contains a statement to be signed by the issuing officer certifying that the child to whom the certificate is issued has presented the specific documents required by the child-labor law and has been found to possess the educational qualifications required by the school-attendance law.

A child applying for a general employment certificate to one of the examining physicians in the eastern counties is supposed to follow the same procedure as in the Baltimore office, but it varies according to the custom of the individual physicians. The parent is not always required to appear with the child. Bible records or parents' affidavits are often accepted as evidence without any attempt to secure the evidence preferred by law. The 10-day temporary certificate is never used. A school record showing that the child has fulfilled the requirements of the county school-attendance law is usually required, although in some cases the child's word is taken as to his grade in school. The same forms are used for the information card,<sup>2</sup> the employment ticket,<sup>3</sup> the school record,<sup>4</sup> and the parent's affidavit and physician's certificate of age,<sup>5</sup> as in the Baltimore office. The information ship is not used, and the data are entered by hand on the information card.

As a rule the certificate form<sup>1</sup> used is the same as that described for the Cambridge office, but a few of the physicians visited were using an obsolete county certificate form and did not make use of the information cards.

Both in Cambridge and elsewhere in the eastern counties the certificate is issued in duplicate, the original being given to the child and the duplicate sent to the board of labor and statistics.

During 1916 there were issued in the eastern Maryland counties, including those issued in the Cambridge office of the board of labor and statistics, 110 original general certificates.<sup>6</sup>

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<sup>1</sup> Form 2, p. 108.

<sup>2</sup> Form 7, p. 111.

<sup>3</sup> Form 5, p. 110.

<sup>4</sup> Form 6, p. 111.

<sup>5</sup> Form 8, p. 112.

<sup>6</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 154.

**SUBSEQUENT GENERAL CERTIFICATES.**

A child should secure a new employment certificate each time he changes his employer or his occupation, since a certificate according to law is valid only in the hands of the employer to whom it is made out and for the occupation named on its face.<sup>1</sup> The employer is required to return the certificate of a child leaving his employ to the issuing official by registered mail within 24 hours, if the child so demands; otherwise, within 15 days after the termination of employment. The law, however, contains no specific requirement that the employer shall return the old certificate when a child changes from one occupation to another without changing his employer, and provides no machinery for enforcing the provision that a new certificate be obtained in such a case. A child whose certificate has been returned to the issuing officer is entitled to a new one if an authorized physician certifies that he is able to undertake the work for which the new certificate is desired.<sup>2</sup>

*Baltimore office.*—A child who desires a new certificate first secures a new promise of employment. Then he goes to the office of the board of labor and statistics, where the receiving clerk looks in the files for his old employment certificate. If the employer has not yet returned the certificate, and if the child has not requested its return, he is instructed to ask his employer to mail the certificate immediately, and is told to come back to the office the next day. If the child has requested the return of the certificate, the receiving clerk notifies the employer, by telephone, to mail it at once and sends him, by mail, the section of the law pertaining to the return of certificates.<sup>3</sup> In this case the child is allowed to secure his subsequent certificate without further delay, although the law provides for the issuance of such certificates only to children whose previous certificates have been returned. If the employer has returned the child's certificate, or if the child has requested its return, the receiving clerk takes his information slip and his information card from the files and places them on the desk of the issuing officer. On the information slip the issuing officer writes the name of the new employer, the child's occupation, and the wages expected. This information is later typewritten on the information card. He also asks whether the child has worked at any occupation other than that for which the former certificate was issued, and if so he immediately telephones warning the employer against repetition of this kind of violation. The child is

<sup>1</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 16, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 102.

<sup>2</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 11, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 100.

<sup>3</sup> The board, either by repeated letters or telephone messages, insists upon the return of the certificate.

then given a physical examination, and if this is satisfactory he obtains his new certificate in the same manner as his original certificate. The employment ticket form<sup>1</sup> used is the same as that employed in the issuing of an original certificate, and the certificate itself does not differ from an original one.

During the year ended December 31, 1916, the Baltimore office of the board of labor and statistics issued 4,561 subsequent general certificates.<sup>2</sup>

*Western and eastern Maryland counties.*—Outside Baltimore City very few subsequent general certificates are granted. None were reported as issued in 1916.<sup>3</sup>

In the western counties, whenever they are issued, substantially the same procedure is followed and the same forms are used as in the Baltimore office. As in the case of original general certificates, the examining physicians in places outside of Cumberland may issue temporary certificates pending the arrival of the regular issuing officer. If the old certificate has not been sent in, the child is not required to wait for its return, but the issuing officer notifies the employer and sees that it is sent back to the office.

At the Cambridge office of the board of labor and statistics subsequent certificates are issued in the same way as in the Baltimore office except that the child is always required to wait until the employer sends in the old certificate. Elsewhere in the eastern counties a child who desires a subsequent general certificate must secure a new employment ticket and return to the physician from whom he obtained his former certificate. After the physician has received the old certificate from the child's employer, or sometimes from the child himself, he grants a subsequent certificate identical in form with the old one, usually without making another physical examination. Instead of issuing a new certificate the physician sometimes writes in the new employer's name on the old certificate.

## ORIGINAL AND SUBSEQUENT VACATION CERTIFICATES.

Vacation certificates permit children to work only at such times as they are not required by law to attend school,<sup>4</sup> and the requirements of the labor law for securing such certificates differ from those for securing general certificates only in the fact that ability to "read intelligently and write legibly simple sentences in the English lan-

<sup>1</sup> Form 5, p. 110.

<sup>2</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 101.

<sup>3</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 133, 145, 154, 157.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 12, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 100.



guage" is substituted for the presentation of a school record showing completion of the fifth grade.<sup>1</sup> Except in regard to this educational requirement, a child follows substantially the same procedure in obtaining an original or a subsequent vacation certificate in Baltimore City, the western counties, and the eastern counties, as has been described for the securing of an original or subsequent general certificate in those localities.

A child living in Baltimore City is required to sign his name and write on his information slip "If I change work, I must get a new permit." He must attend day school throughout the entire session, and the face of his certificate is stamped "O. K. on school days for three hours which do not conflict with the public-school session and for eight hours on Saturdays and school holidays." This notice, though not required by law, has been adopted to impress upon employers the fact that these certificates do not permit employment during school hours. A child living in the counties outside of Baltimore but applying at the Baltimore office, must pass the same literacy test, but is subject only to the compulsory education law of the counties, which requires 100 days' school attendance after November 1, unless the child has completed the seventh grade.

In the western counties no literacy test other than the securing of the child's signature is given. In many cases a child who has not completed the seventh grade is permitted to work on a vacation certificate, provided he attends evening school, during the period when the law requires him to attend day school. Otherwise a school record showing completion of 100 days' attendance during the current school year is required. Since a child must enter school not later than November 1, this means that ordinarily vacation certificates may be secured after the 1st of April.

In Cambridge the child must sign his name and write on the information slip "I am going back to school," and must fulfill the same requirements as to presentation of a school record as in the western counties. A child who applies elsewhere in the eastern counties is usually given no educational test except that he must sign his name on his information card.

These discrepancies, due in part to the differing standards of the Baltimore City and the county education laws and in part to differing standards of enforcement, are explained in the section on educational requirements.

The vacation certificate issued in Baltimore City and in the western counties<sup>2</sup> and that issued in the eastern counties<sup>3</sup> differ but slightly

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<sup>1</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 14, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 101.

<sup>2</sup> Form 3, p. 109. For the general employment certificate form, see p. 108.

<sup>3</sup> Form 4, p. 110. For the general employment certificate form, see p. 108.

in form and content from the general employment certificates issued in those localities. In the eastern counties the vacation certificate is given to the child in an envelope<sup>1</sup> on which are printed the sections of the law applicable to his employment.

In the eastern counties, where over 93 per cent of the vacation certificates are issued for work in canneries and where a very large proportion (96 per cent in 1916) of all certificates issued are vacation certificates,<sup>2</sup> the issuing officers frequently meet applicants for vacation certificates who wish to work in canneries on the cannery premises. Here, through arrangement with the canners, they interview parents and children who live too far away to come conveniently to their offices. This is usually done on the day the canneries open. In most cases applicants thus examined have been granted certificates.<sup>3</sup>

During 1916 there were issued in the Baltimore office of the board of labor and statistics 1,939 original and 1,346 subsequent vacation certificates.<sup>4</sup> In the western Maryland counties 370 original and 93 subsequent vacation certificates<sup>5</sup> and in the eastern counties 2,838 original and 19 subsequent vacation certificates<sup>6</sup> were issued during the same period. Eighty-two per cent of the vacation certificates granted in Baltimore and 77 per cent of those granted in the eastern counties were issued during the months of June, July, and August.<sup>7</sup>

### TEMPORARY CERTIFICATES.

The law provides for temporary certificates good for 10 days to be issued to children who can not present as evidence of age a birth or baptismal certificate or a passport.<sup>8</sup> The board of labor and statistics also grants such certificates in other cases not provided for in the law. In practice temporary certificates are issued to four classes of applicants: (1) Children in Baltimore City and in the western counties who can not prove their age by birth or baptismal certificates or passports or who are delayed in obtaining such proof; (2) children in the western Maryland counties outside of Cumberland who apply

<sup>1</sup> Form 23, p. 118.

<sup>2</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 155.

<sup>3</sup> Among all the applicants for general and vacation employment certificates in the eastern counties in 1916, only 83 are recorded as refused. Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 160.

<sup>4</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 101.

<sup>5</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 133, 134, 139, 145.

<sup>6</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 154, 160.

<sup>7</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 101, 156. Statistics for the number of certificates issued in the western Maryland counties, by months, are not available.

<sup>8</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 13, as amended by Acts of 1916, chs. 222, 701. For the text of this section, see p. 100.

at the offices of the examining physicians in the interval between the visits of the representative of the board of labor and statistics; (3) children in Baltimore City, in the western Maryland counties, and in Cambridge<sup>1</sup> who have met the other requirements of the law but who must have specified physical defects remedied before they can obtain regular employment certificates; and (4) mentally defective children in the city of Baltimore between 14 and 16 years of age.

A child of the first class, i. e., one who can not produce any of the preferred kinds of evidence of age prescribed, is granted a temporary certificate<sup>2</sup> to work for 10 days, provided he has complied with the other requirements of the law and his parent presents an affidavit of age accompanied by a certificate of age from the examining physician. The child is told that the certificate is only temporary and that he must come back for a regular one when it expires. If at the end of the 10-day period the issuing officer upon investigation has discovered no facts contradicting the parent's statement, he issues a regular employment certificate to an applicant in this class. If he has obtained evidence that the child is under the legal age, he refuses the certificate and reports the refusal to the school authorities.

In a case of this kind in Baltimore City the child's information card and slip are placed in the "held-up" file and the date of expiration of his certificate is entered in a book kept by the issuing officer. If the certificate is not returned to the issuing officer on that date, the employer is sent a form letter<sup>3</sup> requesting its return and asking that he send the child to the office of the board at once. If this has no effect the employer is again notified either by telephone or, if necessary, by sending an inspector to investigate. If the child does not come back to the office the school-attendance department is notified within a week. In western Maryland the information card and slip are placed in a "held-up" file, and, if the certificate is not returned on the date of its expiration, the issuing officer notifies the employer by telephone or in person that it must be returned and that the child must come in to the office. In any case, if the child does not return, the attendance officer is notified immediately.

The second class of applicants are children in the western Maryland counties outside of the city of Cumberland who apply at the offices of the examining physicians in the intervals between the visits of the regular issuing official. If such a child presents a promise of employment in a legal occupation and evidence that he is of legal

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<sup>1</sup> In a very few cases such certificates are also granted by the physicians appointed to issue certificates in the eastern counties. No regular procedure is followed in such instances.

<sup>2</sup> Form 21, p. 116.

<sup>3</sup> Form 24, p. 118.

age, the physician grants a temporary certificate<sup>1</sup> and tells him to report again at the office upon the issuing officer's next visit, when he must satisfy all the requirements of the law in order to obtain a regular certificate. The physician keeps a record of these certificates for the issuing officer.

In a case of this kind in Hagerstown the date of the issuing officer's next visit is noted on the certificate; in the other places the certificate is marked "good until further notice." The employers understand that these certificates are only temporary, and that they must take notice of the inspector's next visit and send the child for a regular certificate. The time when the issuing officer will hold her next office hours is announced in the local papers. If the child does not come to the office, the inspector notifies the employer by telephone or in person that he must send him, and insists in every case upon the child's return.

The third class of applicants may, upon the recommendation of the examining physician, obtain temporary general or vacation certificates<sup>1</sup> to work for a specified time — a month or longer — which varies with the character of the defect and the nature of the work which the child is to undertake. The child is told that the certificate is only temporary and that he must come back when it expires. In Baltimore City and in the western Maryland counties the same procedure as to the return of the certificate and notification of the school authorities is followed as in the case of children at work on 10-day certificates. In Cambridge the issuing officer makes a note of the date when the certificate expires, and notifies the employer by telephone if it is not returned on that date.

In this case, when the child comes back to the issuing officer, either one of two courses may be followed. If the physical defect has been corrected, and the child wishes to return to work, he is granted a general or vacation certificate in place of his temporary one. If the physical defect has not been corrected, he is refused a certificate, his name is reported to the school authorities as a refused case,<sup>2</sup> and he can not secure a certificate until the defect is corrected. His name is also sent to the Instructive Visiting Nurse Association and a nurse is assigned to follow up the case.

The fourth class of applicants, children in the city of Baltimore who are adjudged mentally defective, may be granted temporary certificates if they meet all the demands of the law except the educational requirements, although the law provides for no such exception. If the parent of an applicant who has not completed the fifth grade informs the issuing officer that his child can not advance in school and if the child has submitted a promise of employment in a legal

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<sup>1</sup> Form 21, p. 116.

<sup>2</sup> No reports of refused cases are made by the Cambridge office.

occupation and satisfactory evidence of age, the issuing officer refers him to the board physician. The woman physician takes charge of all these cases. The child's school history is secured on a form filled out and signed by the child's teacher. This form, which is in effect a recommendation that the child be granted a certificate, is signed also by the school principal, by the district superintendent, and by the second assistant superintendent of schools, who is in charge of the attendance department.<sup>1</sup> Sometimes the issuing officer also obtains the child's family history from the parent and gives the child a mental examination. Such a child, provided he passes a satisfactory physical examination, is then usually allowed to go to work for a specified time on a temporary certificate.<sup>2</sup> The same procedure as to the return of the certificate and notification of the attendance department is followed as in the case of children at work on 10-day certificates and of children permitted to work while defects are being corrected, but temporary certificates of this kind are renewed from time to time. An attempt is sometimes made to determine the kind of occupation in which the child can safely be employed and to issue a certificate only for such an occupation.

The temporary certificate is given to the child, and a carbon copy of the entries made on the certificate form is filed in the issuing office.

Beginning about October, 1914, applicants in Baltimore City who presented statements to the issuing officer from their teachers certifying to their inability to progress in school were sent to the Phipps Psychiatric Clinic of Johns Hopkins Hospital, where they were examined by alienists. If found mentally defective they were allowed to obtain temporary certificates. Between January, 1915, and December, 1917, they were allowed to obtain certificates upon recommendation of the school authorities without such an examination. In November, 1917, a committee consisting of a physician from the Phipps Psychiatric Clinic, the secretary of the State lunacy commission, the superintendent of the Maryland School for Feeble-minded, the president of the Baltimore school board, and a physician from the State board of labor and statistics was organized to report on the most desirable method of dealing with applicants of this type.<sup>3</sup> In its budget for 1918 the board of labor and statistics recommended that a trained nurse and a stenographer be attached to the division of physical examinations to assist the physicians in following up these cases, and that the part-time services of a psychiatrist be secured.

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<sup>1</sup> At the time of this study—Dec. 1, 1917—the practice of securing the signatures other than the teacher's had been followed for about two months.

<sup>2</sup> Form 21, p. 116.

<sup>3</sup> At the time of this study—Dec. 1, 1917—the committee had made no report.

According to the estimate of the board physician handling the cases of mental defectives, about 300 children of this class were granted certificates during the two years 1916 and 1917. A few temporary certificates were formerly issued to children of this class in western Maryland, but such children are no longer recorded as mentally defective, as any child who can not fulfill the educational requirements may obtain a vacation certificate<sup>1</sup> provided he attends evening school.

### DUPLICATES OF LOST CERTIFICATES.

A child who loses a certificate issued to him at the Baltimore or the western Maryland office of the board of labor and statistics before he has given it to his employer must bring a note from his parent to the issuing officer stating that the certificate has been lost. On receipt of this note, the issuing officer without further requirement issues a duplicate certificate, which is so stamped. If a certificate is lost after it has been given to the employer and the child is no longer responsible for it, a notice from the employer that it is actually lost is required. The child must then follow the same procedure to secure a duplicate as he would follow were he applying for a subsequent certificate, except that there is no return of the old certificate and, if the child continues to work for the same employer, no new promise of employment.

In the eastern counties no uniform method of issuing duplicates of lost certificates is followed.

### STATEMENTS OF AGE.

The officials of the board of labor and statistics in Baltimore, in the western counties, and in Cambridge issue "over-16 statements"<sup>2</sup> to children who produce proof that they are over the certificate age. These statements are not provided for in the law, but are secured at the instance of employers, who sometimes require children appearing to be under 16 years of age, even though actually over that age, to produce evidence of this kind. The demand for these statements is undoubtedly accounted for to some extent by the fact that, upon demand of an officer charged with the enforcement of the certificate law, employers must furnish evidence that children in their employ "apparently under the age of 16 years" actually are over the certificate age.<sup>3</sup> The same evidence is required as for an employment certificate, and the same procedure is followed as in obtaining evidence of age for a regular certificate, except that no temporary statements are issued. In the western counties the child is sometimes given a

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<sup>1</sup> For procedure in such instances, see p. 28.

<sup>2</sup> Form 25, p. 118.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 19. For the text of this section, see p. 102.

letter permitting employment while he is waiting for evidence of age. In Cambridge statements of age have been issued only to children who had previously obtained certificates. A record of these statements is kept on the same kind of an information card<sup>1</sup> as is used in issuing employment certificates. The evidence, except the parent's affidavit, is returned to the child, but in Baltimore it is stamped: "This document has been accepted as proof of age by the State board of labor [and] statistics for ——."

Five hundred and fifteen of these statements were issued in Baltimore in 1916, an increase of 215 over the preceding year.<sup>2</sup> Between January 1, 1917, and November 1, 1917, 158 statements of age were issued in the western Maryland counties.<sup>3</sup> Very few such statements have been issued in Cambridge.

## EVIDENCE OF AGE.

The Maryland law is very specific as to the kind of evidence of age which an applicant for a certificate must submit. He must present, in the order designated, one of the following:

1. A duly attested transcript of a birth certificate from a registrar of vital statistics or other recording officer.
2. A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism.
3. A parent's affidavit supported by a written certificate of age from the physician appointed to give the regular physical examinations.

The evidence specified in each of the above subdivisions must be required in preference to that specified in each succeeding subdivision, and the parent's affidavit of age must be accompanied by his affidavit that no preferred evidence can be produced.<sup>4</sup>

*Baltimore office.*—In the Baltimore office of the board of labor and statistics during 1916, transcripts of birth certificates were obtained in 1,240 or 22 per cent of all the cases in which original general or vacation employment certificates were issued.<sup>5</sup> That birth certificates were not secured more often can be attributed to the fact that in many cases where applications were made for birth certificates for children born in Maryland, none were found on file. The births of many chil-

<sup>1</sup> Form 7, p. 111.

<sup>2</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 101; Twenty-fourth Annual Report of the Bureau of Statistics and Information of Maryland, 1915, p. 45.

<sup>3</sup> Data obtained at the Cumberland office of the board of labor and statistics. Similar data for 1916 are not available.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 13, as amended by Acts of 1916, chs. 222, 701. For the text of this section, see p. 100.

<sup>5</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 105.

dren born in Maryland 14 years or more ago were not registered. Although doctors and midwives throughout the State were required by a law passed 20 years ago<sup>1</sup> to register births of children within 4 days after birth, this law was, on the whole, ineffective until strengthened by amendments passed in 1912.<sup>2</sup> At the time of this study it was asserted that in Baltimore City about 90 per cent of all births were registered and that in many of the counties there had been considerable improvement in the registration of births during the preceding four years.

If an applicant upon his initial visit to the Baltimore office of the board of labor and statistics fails to bring with him a copy of his birth certificate, but presents as evidence of age a baptismal certificate or a passport, it is accepted without first requiring him to obtain a transcript of his birth certificate<sup>3</sup> as the law specifies should be done. An exception to this rule occurs when a child born outside Baltimore but in Maryland applies with a baptismal certificate. In this case, before accepting it, the issuing officer inquires of the State board of health<sup>4</sup> over the telephone as to whether the birth is recorded. After the certificate is granted but before the record of the kind of evidence of age accepted is entered permanently on the information card, the issuing officer attempts to obtain a transcript of the child's birth certificate. If obtained, the transcript is substituted for the other documentary evidence which has been previously accepted.

The baptismal certificate transcript, the second preferred form of evidence required by law, was presented and accepted for 2,946, or over 52 per cent, of the certificates granted in 1916. This transcript must bear the church seal or be written on the official stationery of the church. When this is not the case, its authenticity is verified before it is accepted as evidence. The passport, of equal rank with the baptismal certificate according to the law's classification, is not often presented. In 1916 it was utilized in connection with only 40, or less than 1 per cent, of the applications.<sup>5</sup>

The third and last form of evidence, a parent's affidavit supported by a physician's certificate of age,<sup>6</sup> which is permitted only when a birth or baptismal certificate or a passport is not available, was accepted for 736, or a little over 13 per cent, of the certificates granted in 1916.<sup>7</sup> The law states that the parent's affidavit must contain "any

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<sup>1</sup> Acts of 1898, ch. 312.

<sup>2</sup> A. C. 1911, vol. 3 (1914), art. 43, secs. 7-21B. Acts of 1912, ch. 696. The law was further amended in 1914.

<sup>3</sup> Form 16, p. 115. An ordinance passed by the city council Mar. 27, 1913, requires that the city board of health furnish transcripts of birth certificates free of charge upon application of the board of labor and statistics. The regular fee is 50 cents.

<sup>4</sup> The offices of the State board of health are located in Baltimore.

<sup>5</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 105.

<sup>6</sup> Form 8, p. 112.



other matter that may assist in determining the age of the child." Under this clause documentary evidence, such as Bible records, bar-mizvah certificates, and other documents satisfactory to the issuing officer, are used when possible to corroborate the parent's statement. Up to June 1, 1916, such evidence was required by law in preference to the parent's affidavit supported by a physician's certificate of age.<sup>1</sup>

The physician determines at the time of the regular physical examination<sup>2</sup> whether or not he will grant the age certificate. If satisfied that the physical development of the applicant approximates that of a normal child of legal working age, he certifies that the child is old enough, in his opinion, to be granted an employment certificate, and this certificate of age, together with the parent's affidavit, constitutes satisfactory evidence of age.

The examination for age consists of a more careful scrutiny of those physical characteristics from which the age may be approximated than is given a child who has presented documentary evidence of age. The eruption of the child's teeth, his facial expression, height, weight, and stage of maturity are noted. The physicians maintain that their examinations can be for physiological age only, as with present medical knowledge it is impossible to determine accurately the chronological age.

During 1916, 409 applicants at the Baltimore office of the board of labor and statistics were refused certificates because the evidence presented showed that they were below the legal age.<sup>3</sup>

*Western Maryland counties.*—In the western counties the evidence of age requirements are enforced in the same manner as they are in the Baltimore office of the board of labor and statistics. For the 616 original general and vacation certificates issued in 1916, birth certificates were secured in 192, or 31 per cent, of the cases, transcripts of baptismal certificates in 205, or 33 per cent, and parents' affidavits supported by physicians' certificates of age in 43, or about 7 per cent.<sup>4</sup>

<sup>1</sup> From January, 1916, to June, 1916, this evidence was accepted for 672, or about 12 per cent, of all the certificates issued during the year. Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 105.

<sup>2</sup> For procedure in making the physical examinations, see p. 39.

<sup>3</sup> This number does not include 411 children who were refused because they were "below legal age for specified job." Most of these were children who applied during the summer of 1916 for vacation certificates to work in occupations in which children 12 to 14 had been previously permitted to work during vacation, but in which employment was prohibited by amendments which went into effect in that year. A. C. 1911, vol. 8 (1914), art. 100, secs. 4 and 5, both as amended by Acts of 1916, ch. 222. For the text of these sections, see p. 99. Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 113.

<sup>4</sup> Up to June 1, 1916, other documentary evidence satisfactory to the issuing officer was required in preference to the parent's affidavit supported by a physician's certificate of age. From January, 1916, to June, 1916, this evidence was accepted for 176, or about 29 per cent, of all the certificates issued during the year. Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 139.

During 1916, 283 applicants for employment certificates were refused because the evidence showed that they were under the legal age.<sup>1</sup>

*Eastern Maryland counties.*—In the eastern counties applicants for certificates are expected to meet the same evidence of age requirements as in other parts of the State. It is, however, particularly difficult for either the issuing officer at Cambridge or the physicians who issue certificates elsewhere in the eastern counties to obtain birth or baptismal certificates for applicants. Birth registration is inadequate. This is particularly true of the births of colored children, who constitute a large proportion of the children securing certificates in this section.<sup>2</sup> Frequently neither physicians nor registered midwives are present at the births of colored children and their births consequently are not recorded. Baptismal records are kept in but few of the colored churches.

In the majority of cases the parent's affidavit, accompanied by the physician's certificate of age and supplemented in some instances by an entry in the family Bible or some such record, is accepted, and, except in the Cambridge office, no attempt is made to corroborate the evidence by securing birth certificates. Documentary evidence such as a Bible record is often accepted without taking the parent's affidavit. Certificates issued at the canneries are almost invariably given on parents' affidavits, and the physician's certificate of age is always granted, though in rare instances underdeveloped children may be refused employment certificates on the ground of being physically unfit for work. In many cases the issuing physicians take the parent's word as evidence instead of his sworn statement, in spite of the fact that the board officials require the affidavits to be sent to the Baltimore office with the duplicate certificates. In the Cambridge office, however, when a certificate has been granted on other evidence, the issuing officer always attempts later to obtain the birth certificate.

The kind of evidence of age accepted is supposed to be checked on the employment certificate, a duplicate of which is sent to the board of labor and statistics. Except in the Cambridge office, however, the method of entering this information is so inaccurate that it can not be relied upon as representing the facts. Some physicians who state or whose office records show that the usual evidence of age accepted is a Bible record or an affidavit nevertheless send to the Baltimore office duplicate certificates the majority of which indicate that

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<sup>1</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 135.

<sup>2</sup> During 1915, 45 per cent of the children securing original certificates in the eastern counties, less than 3 per cent in Baltimore and less than 1 per cent in the western counties, were colored. Twenty-fourth Annual Report of the Bureau of Statistics and Information of Maryland, 1915, pp. 47, 172, 185. Similar data for 1916 are not available for all sections, but these figures are representative.

birth or baptismal records have been obtained as evidence. According to the records and duplicate certificates sent to the board of labor and statistics by the issuing officers in the eastern counties, which, though unreliable, furnish the only data available, the following kinds of evidence of age were accepted for the 2,948 original certificates issued in 1916: Birth certificates in 412, or about 14 per cent of the cases; baptismal certificates in 370, or about 13 per cent; Bible records or other documentary evidence<sup>1</sup> in 1,831, or over 62 per cent; and parent's affidavits in 335, or about 11 per cent. Fifty-one applicants were refused because they were under the legal age.<sup>2</sup>

## PHYSICAL REQUIREMENTS.

The Maryland child-labor law requires that an applicant for an original general certificate obtain from an authorized physician a signed statement that he is (1) normally developed for his age, and (2) "in sufficiently sound health and physically able" to be employed in the occupation or process in which he is to engage. An applicant for an original vacation certificate must present a signed statement from an authorized physician showing him to be "physically able to undertake the work" for which his certificate is asked. An applicant for either a subsequent general or a subsequent vacation certificate must be reexamined.<sup>3</sup>

*Baltimore office.*—The two physicians on duty in the Baltimore office of the board of labor and statistics—one man and one woman—have separate offices, and each examines both boys and girls applying for certificates. One physician is on duty from 10 a. m. to 12 m., the other from about 11.30 a. m. to 1 p. m.

In making these examinations, the board physicians follow and fill in at the time of the examination the schedule printed on the child's information slip.<sup>4</sup> No particular method of procedure is indicated on this schedule; it contains merely an enumeration of the points to be covered in the examination. Both board physicians follow a similar procedure.

First, they obtain the height and weight of the child and the measurement of the chest at rest, at inspiration, and at expiration. They have adopted minimum standards of height and weight with which applicants must comply to obtain certificates. These standards,

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<sup>1</sup> Up to June 1, 1916, "other documentary evidence satisfactory to the issuing officer" was required in preference to the parent's affidavit supported by the physician's certificate of age.

<sup>2</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 157, 160.

<sup>3</sup> A. C. 1911, vol. 8 (1914), art. 100, sec. 11, as amended by Acts of 1916, ch. 222; sec. 13, as amended by Acts of 1916, chs. 222, 701; sec. 15, as amended by Acts of 1916, ch. 222. For the text of these sections, see pp. 100, 101.

<sup>4</sup> Form 7 (both face and reverse), pp. 111, 112.

which are based on previous experience in examining children, are as follows:<sup>1</sup>

Minimum height, 4 feet 8 inches.

Minimum weight, 75 pounds for any kind of factory work.

Boys under 75 pounds and over 65 pounds allowed to be office boys, errand boys, or messengers.

Girls under 75 pounds and over 65 pounds allowed to be errand girls or messengers.

All under 65 pounds refused.

Next they examine the child's eyesight, hearing, skin, nose, teeth, throat, heart, and lungs. The arm is also examined for a vaccination scar. The eyesight is tested by means of the Snellen chart placed at a distance of 15 feet. A test for color blindness, in which different colored yarns and wooden blocks are used, is also given. Hearing is usually tested only incidentally, in the course of conversation with the child, but if trouble is suspected a watch is used. External examination only is made of the nose. The teeth and throat are examined by the naked eye, the tongue being depressed with a wooden spatula. The heart and lungs are examined with the stethoscope. If the child is a boy, the stage of maturity is determined by actual examination; if a girl, merely through answers to the physician's questions, actual examination being made only in case of indicated or suspected trouble. In addition, each child is questioned in regard to his physical history and that of his parents; not much information, however, has been obtained in this way.

The physical examination usually requires about five minutes. In case serious defects are detected a more thorough examination is made. Tuberculosis suspects are sent to tuberculosis clinics. Crippled children are sent to orthopedic clinics.

The physical examination of children who apply for subsequent certificates is similar to that of those who apply for original certificates, if several months have elapsed since they were last examined. If, however, a child applies for a subsequent certificate within a short time after his first physical examination and appears to be in good health, his second examination consists merely of taking his height and weight.

Children who are found to have physical defects may be grouped in four classes. The first class is made up of those who are refused certificates temporarily until they have certain defects remedied. Among the children in this class are those with defective vision and those who have not been vaccinated. The second class consists of children who must have defects corrected before they will be granted regular certificates, but who are allowed to work on temporary certificates for a specified time while undergoing treatment. Poorly

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<sup>1</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 151.

nourished children—who nevertheless do not fall below the minimum standard—are included in this class. The third class is made up of children who are not allowed to engage in the specific occupations for which they have presented employment tickets but must obtain work better adapted to their physique. The fourth class consists of those who are refused certificates permanently because they have very serious physical defects, such as heart disease, tuberculosis, or epilepsy.

Of all the diseases and defects found by the physicians, with the exception of defects in teeth, those of vision predominate. In case of slight eye trouble, the child is instructed how to care for his eyes. In a more serious case the physician requires the child to procure glasses before permitting him to go to work.

In securing proper treatment for physically defective children, the board physicians have had not only the exceptionally skillful and extensive service of local dispensaries and hospitals, but also the free assistance of specialists and the help of the visiting nurse association and the city health department. A large percentage of the children sent for treatment return cured and are granted certificates.

As a result of the physical examinations of children who apply for subsequent certificates, the physicians have sometimes been able to determine the effect of certain occupations upon individual children. Whenever a case of occupational disease<sup>1</sup> is found, full report is made to the State department of health as the law requires. A copy of the report made in the case of a girl who had worked in a tobacco factory and who was suffering from nicotine poisoning, is given in the appendix.<sup>2</sup>

During 1916, when 11,541 certificates were issued, the board physicians refused—either conditionally or unconditionally—183 applications for general and 124 for vacation certificates. Of the children applying for general certificates, 70 were refused because they were under size or under weight, or because they were not normally developed; 61 because of defective vision; 24 because they were not vaccinated; 7 because of adenoids and diseased tonsils; and 21 for other causes.<sup>3</sup>

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<sup>1</sup> The law requires the report of certain specific occupational diseases and of "any other ailment or disease contracted as a result of the nature of the patient's employment." A. C. 1911, vol. 3 (1914), art. 43, sec. 5G.

<sup>2</sup> Form 26, p. 119. This girl was examined by a board physician on Feb. 2, 1915, after she had been working as a preparer in a cannery, and her health was found to be normal. She then went to work in a tobacco factory, and when she was again examined on Jan. 25, 1916, was found to be anemic and to have a heart murmur. Next she worked in a paper-box factory, and when examined on Mar. 7, 1916, was found to have recovered from her anemia and heart murmur and to have gained 10 pounds in weight. [The employment of children under 16 is now prohibited in tobacco factories. A. C. 1911, vol. 3 (1914), art. 100, sec. 8, as amended by Acts of 1916, ch. 222.]

<sup>3</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 101, 113, 118.

*Western Maryland counties.*—In the western Maryland counties applicants for employment certificates are examined by physicians appointed by the county school superintendents. The physicians follow the schedule on an information slip<sup>1</sup> identical with that in use in the Baltimore office. From 5 to 10 minutes is required for each examination. Practically the same procedure has been adopted as that used by the board physicians in Baltimore. One of the physicians uses the watch-tick test in examining for hearing. They make use of the temporary certificate only occasionally. Local physicians give their services without charge to children who are unable to pay for the necessary treatment.

When a child applies for a subsequent general or vacation certificate, his height, weight, and chest measurements are obtained, but he is given another physical examination only if (1) a year has elapsed since the previous examination; (2) he is changing from one industry to another; or (3) defects for which treatment was recommended were noted at the time of his previous examination.

During 1916, when 709 certificates were issued, 12 children were refused certificates because of physical defects.<sup>2</sup>

*Eastern Maryland counties.*—In the eastern counties the physicians appointed by the county school superintendents to give the physical examinations use the same information card as is used in the Baltimore office.

The thoroughness of the physical examination depends entirely upon the physician who makes it and the circumstances under which the child is examined. Only one of the physicians interviewed used any eye test. Many of the physicians often rely upon the child's own statements or his general appearance as an index of his health instead of making a detailed examination. They have been instructed<sup>3</sup> by the board of labor and statistics to require applicants to meet the same height and weight standards as those adopted for the Baltimore office of the board. Some but not all of the physicians have followed these instructions.

As a rule, if a county physician examines a child in his office, the examination is more thorough than if, as is frequently the case, he examines him on cannery premises, where proper facilities are lacking and many examinations are made in one day. One physician interviewed, who issues certificates only at canneries, stated that his usual examination consists merely of taking the child's height and observing whether or not he appears to be in good health.

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<sup>1</sup> Form 7 (both face and reverse), pp. 111, 112.

<sup>2</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 133, 135.

<sup>3</sup> For instructions, see p. 125.

Except in Cambridge, where a reexamination is given, a child who applies for a subsequent certificate is usually granted one without a further physical examination.

Temporary certificates, pending correction of defects, are issued occasionally by the physician who examines children at the Cambridge office of the board, but are seldom used by the physicians issuing certificates in the eastern counties.

The reports from physicians for the year 1916 showed that in the eastern counties in that year, when 2,967 certificates were issued, 17 children were refused because of physical defects.<sup>1</sup>

## EDUCATIONAL REQUIREMENTS.

An applicant for either a general or a vacation employment certificate, according to the certificate law, must satisfy the issuing officer that he can read intelligently and write legibly simple sentences in English, and the issuing officer must sign and file in his office a statement to this effect before he grants an employment certificate.<sup>2</sup> In addition, as evidence of his educational fitness for work, the child who applies for an original general certificate must present a school record which contains a statement certifying that he has regularly attended school as prescribed by law during some year after his thirteenth birthday; that he is able to read intelligently and write legibly simple sentences in English; that he has completed a course of study equivalent to five yearly grades in reading, spelling, writing, English language, and geography; and that he is familiar with the operations of arithmetic up to and including fractions. This school record must also contain the child's name, date of birth, and residence as shown on the school register, and the name of his parent or guardian. It must be filled out and signed by the school principal or chief executive officer of the school last attended, must be furnished without charge to a child entitled thereto,<sup>3</sup> and must be approved by the officer issuing the certificate.<sup>4</sup>

The school record form<sup>5</sup> drafted and supplied by the board of labor and statistics has spaces for entering all the data required by law except the statement that the child can read intelligently and write legibly simple English sentences. It is assumed that, in certifying that the child has completed the required grade, the school

<sup>1</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 154, 160.

<sup>2</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 14, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 101.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 17. For the text of this section, see p. 102.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 13, as amended by Acts of 1916, chs. 222, 701. For the text of this section, see p. 100.

<sup>5</sup> Form 6, p. 111.

principal also certifies that he has attained the necessary proficiency in the English language.

The Maryland education law of 1916 provides that every child residing in a county of the State who is 14 years of age shall attend some public or equivalent school for a period of at least 100 days which shall be as nearly consecutive as possible and shall begin not later than November 1, and that every child residing in a county who is 15 or 16 years of age shall comply with the same provisions unless he has completed the work of the public elementary school,<sup>1</sup> that is, the seventh grade.<sup>2</sup> In Baltimore City, however, a child who has reached the age of 14 years and who is lawfully employed is exempt from school attendance.<sup>3</sup>

Because the educational standard of the county compulsory school-attendance law requires a child to be at least 15 years of age and to have completed the seventh grade before he is entirely exempted from school attendance, the board of labor and statistics has ruled that a child residing in one of the counties must complete the seventh grade before he can secure a general employment certificate. According to a literal interpretation of the law a child 14 years of age residing in one of the counties, even though he has completed the seventh grade, should attend school for at least 100 days and for the entire session if not lawfully employed, but after conference with the State superintendent of schools the board further ruled that such a child may be granted a general employment certificate, exempting him entirely from school attendance as long as he is employed, provided he fulfills the requirements of the certificate law.

*Baltimore office.*—To comply with the requirements of the certificate law, the school record should contain a statement certifying that the applicant has completed the fifth grade or an equivalent course of study.<sup>4</sup>

In Baltimore City this is interpreted to require completion of the second half of the fifth grade and promotion into the sixth. As has been previously noted,<sup>5</sup> the educational requirements are waived and temporary certificates issued in certain cases to mentally defective children.

During 1916, 3,657, or approximately 99 per cent, of the children granted original general certificates brought school records stating that they had completed the fifth or a higher grade. Of these approximately 34 per cent had completed the fifth, 30 per cent the sixth, 18 per cent the seventh, 15 per cent the eighth, and 2 per cent a

<sup>1</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 162, as amended by Acts of 1916, ch. 506. For the text of this section, see p. 97.

<sup>2</sup> Ruling by the State superintendent of public instruction.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 153. For the text of this section, see p. 96.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 17. For the text of this section, see p. 102.

<sup>5</sup> See p. 32.



higher grade. Thirty-eight of the children, or about 1 per cent, had not completed the fifth grade.<sup>1</sup>

If the issuing officer is satisfied that the educational qualifications of an applicant are as stated in his school record, the child is given no educational test except that he is required to sign his name and write the sentence "If I change work, I must get a new permit" on his information card.<sup>2</sup> This is the only attempt to comply with the provision of the law requiring a literacy test. Should the issuing officer have reason to doubt that the child has actually fulfilled the fifth grade requirements as specified in the law, even though his record states that he has completed the fifth grade in the school which he has attended, he gives a test in performing simple operations in fractions. All children who present parochial-school records are required to pass this test unless their records show that they have completed the eighth grade. The following is a fair sample of this examination:

$$\begin{array}{r} 2\frac{1}{2} \\ 3\frac{1}{2} \\ 5\frac{1}{2} \\ \hline ? \end{array} \qquad \frac{3}{4} \div \frac{7}{24} = ? \qquad \frac{3}{4} \times \frac{6}{27} \times \frac{8}{13} \times \frac{7}{5} = ?$$

No time limit is set for these tests, and a child who fails the first time may be given another examination, in the discretion of the issuing officer. The only provision in the law for the examination is the statement that the preliminary papers required for the certificate—one of which is the school record—must be "approved" by the issuing officer. During 1916, 79 children attending private or parochial schools presented school records showing completion of the fifth grade, but were refused certificates because they failed to pass the educational test given by the issuing officer.<sup>3</sup>

Children living in the adjacent counties who obtain their certificates at the Baltimore office are required to present school records showing that they have completed the seventh grade and passed into the eighth. No educational test is given.

Although the law states that the school record should show regular attendance as required by law during some year after the child's thirteenth birthday,<sup>4</sup> no particular number of days' attendance is required if the child possesses the grade qualification.

<sup>1</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 102, 103. The children who had not completed the fifth grade were granted certificates upon the recommendation of the school authorities stating that they were incapable of making further progress in their studies. In 1916 such children were granted general certificates subject to supervision, instead of temporary certificates, as was the case at the time of this study.

<sup>2</sup> Form 7, p. 111.

<sup>3</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 112.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 17. For the text of this section, see p. 102.

An applicant for a vacation certificate must sign his name and write "If I change work, I must get a new permit" on his information card, but he does not have to fulfill any other educational requirements or pass any other literacy test.

A vacation certificate issued during the school term to a child living in Baltimore permits his employment only outside school hours. But a child from one of the adjacent counties applying at the Baltimore office may secure a vacation certificate permitting all-day employment provided he presents a school record showing that he has completed his 100 days' attendance during the current school year.

Children who have applied for certificates and are unable to meet the educational requirements may attend one of the ungraded classes which are to be found in 20 of the public schools of Baltimore. In these classes, some of which have been established primarily for immigrant children, pupils are given special drill in the subjects which are hard for them to master. In some cases parochial-school children who have failed to pass the arithmetic test given by the board have entered such classes to obtain the coaching necessary to overcome their deficiencies. Very few children, however, attend these classes for the purpose of fulfilling employment certificate requirements.

During 1916 the Baltimore office of the board of labor and statistics refused 64 applicants for vacation certificates and 899 applicants for general certificates because they did not meet the educational requirements.<sup>1</sup>

*Western Maryland counties.*—Applicants for general employment certificates in the western Maryland counties are required to present school records which show completion of the seventh grade before they are granted such certificates, because this is the standard of the county compulsory school-attendance law, which is higher than that of the State certificate law. The issuing officer, however, always accepts the school records presented without giving a further educational test. The only literacy test given is the requirement that the applicant sign his name on the information card. No particular number of days' attendance during the preceding year is required if the child fulfills this grade qualification.

The board of labor and statistics, however, through an agreement with the county school authorities, permits children over 14 years of age who have not completed the seventh grade to secure so-called vacation certificates which allow them to work throughout the entire year provided they attend evening school regularly until they have fulfilled the educational requirements. As for a general certificate, the literacy test consists in the writing of the child's signature.

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<sup>1</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 113.

In Allegany County evening schools have been established in Cumberland, Frostburg, Lonaconing, and Mount Savage. They are maintained by private enterprise, and each child is charged \$2.50 per month tuition. The classes which they must attend are held on Mondays, Wednesdays, and Fridays from November 1 to June 1 for at least two hours each evening. The children are instructed in fifth, sixth, seventh, and eighth grade English, arithmetic, geography, history, hygiene, and penmanship. In Hagerstown in Washington County there are two pay evening schools where a tuition fee of 75 cents a week is charged, and also a free school maintained by the public-school authorities. The classes of the pay schools are held four evenings and of the free school five evenings a week for sessions of two hours each. The required attendance is the same as that in the evening schools in Allegany County. The courses given are adapted to children of from fourth to seventh grade standing. All these evening schools, both public and private, are conducted under the supervision of the county board of education. As there are no evening schools in Frederick and Garrett Counties a child living in either of those counties can not obtain a certificate permitting him to work throughout the entire year until he has completed the seventh grade.

From January 1 to November 1, 1917, vacation certificates of this kind were granted to 84 children in Cumberland, 20 in Mount Savage, 15 in Lonaconing, and 15 in Frostburg, in Allegany County. Approximately 190 were issued in Hagerstown in Washington County. A number of these children had not completed the fifth grade.<sup>1</sup>

A child who is granted a regular vacation certificate allowing him to work throughout the year except during such time as the education law requires his attendance at day school must sign his name on the information card. No other educational test is given. If he is to work during school hours, however, he must bring a school record showing that he has fulfilled the required school attendance of 100 days during the current school year.

Because children who have not fulfilled the educational requirements for general certificates are allowed to work during the entire school year provided they attend evening school, the issuing officer has not had occasion to deal with the problem of mentally defective children.

During 1916, 138 children were refused employment certificates because they did not meet the educational requirements.<sup>2</sup>

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<sup>1</sup> Data obtained at the Cumberland office of the board of labor and statistics.

<sup>2</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 135. This number includes both children refused before the plan of granting certificates on condition of attendance at evening school was adopted and those refused because they would not agree to attend evening school.

*Eastern Maryland counties.*—A child who applies for a general or a vacation employment certificate at the Cambridge office of the board of labor and statistics must fulfill the same requirements as described for the western counties. In addition, if he applies for a general certificate, he must write on his information slip such a sentence as "If I change work, I must get a new permit," or if he applies for a vacation certificate, "I am going back to school." An applicant for a general certificate is usually required also to bring a statement from the attendance officer that he has completed the seventh grade. No certificates are issued permitting children to work throughout the year provided they attend evening school.

The physicians who issue certificates elsewhere in the eastern counties usually require an applicant for an original general certificate to present a school record stating that he has completed the seventh grade, but sometimes the child's word is taken as to his grade in school. He is always required to sign his name on the information card. An applicant for a vacation certificate usually need not present a school record nor pass any educational test other than signing his name on the information card. One physician interviewed, however, stated that he required the presentation of a school record showing that the child was sufficiently advanced to be able to read and write before granting a vacation certificate.

The reports from physicians showed that during 1916 eight children were refused certificates because they were unable to meet the educational requirements.<sup>1</sup>

## ENFORCEMENT.

In Maryland, as in other States, there is a direct relation between the enforcement of the employment certificate and of the compulsory school-attendance laws. These laws, as has been seen, are briefly as follows: Throughout the State children between the ages of 12 and 16 who enter regulated industries or change their occupations or employments after entering must secure employment certificates from the authorized issuing officials, and their employers must place the certificates on file in the establishments where they are employed.<sup>2</sup> In Baltimore City all children between 12 and 14 and children between 14 and 16 who are not regularly and lawfully employed must attend school during the entire school year.<sup>3</sup> The education law applying to the counties requires children 12 years of age to attend school during the entire school year and those 13 and 14 to

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<sup>1</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 160.

<sup>2</sup> A. C. 1911, vol. 3 (1914), art. 100, secs. 9 and 16, both as amended by Acts of 1916, ch. 222. For the text of these sections, see pp. 100, 102.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 153. For the text of this section, see p. 96.

attend for at least 100 days and for the entire session unless they are regularly and lawfully employed. Children 15 and 16 years of age are subject to the same requirements as children 13 and 14 until they have "completed the work of the public elementary school"; i. e., until they are graduated from the seventh grade.<sup>1</sup> According to the interpretation of the law given to the county superintendents by the State superintendent of schools, however, school attendance is not compulsory above the elementary school<sup>2</sup> and children 12 years of age and over, therefore, are not required to attend school after completing the seventh grade. But few children have completed that grade before 14 years of age.

Three principal groups of officials enforce the employment certificate and compulsory school-attendance laws. They are: (1) The persons who issue certificates, namely, the officials of the board of labor and statistics in Baltimore, the western Maryland counties, and Cambridge in Dorchester County, and the physicians appointed by the school superintendents elsewhere throughout the State; (2) the inspectors appointed by the board of labor and statistics, whose duty it is to inspect places of employment throughout Maryland for children under 16 years of age engaged in any occupation without certificates which permit their engaging in that specific kind of work;<sup>3</sup> and (3) the school attendance officers appointed by the board of school commissioners in the city of Baltimore and by the boards of education in the counties, who must enforce the school attendance requirements,<sup>4</sup> and who may inspect establishments for violations of the child-labor law and prosecute violators.<sup>5</sup> In the main, as has been stated, the powers of inspection are exercised by the inspectors of the board of labor and statistics, since they are the persons directly charged with the enforcement of the certificate law. In some of the counties, however, the attendance officers have also acted as factory inspectors. The section of the labor law stating that attendance officers, as well as factory inspectors, "shall require" that employment certificates be produced for their inspection<sup>6</sup> is not construed as obligating attendance officers to inspect establishments. Thus, while both groups of officials have powers of factory inspection in common, the inspectors usually visit places of employment and the attendance officers usually visit homes. Although the attendance

<sup>1</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 162, as amended by Acts of 1916, ch. 506. For the text of this section, see p. 97.

<sup>2</sup> "One Year of Compulsory School Attendance in Maryland, 1916-1917," issued by the Maryland State Board of Education, p. 7.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 100, secs. 34 and 35; sec. 48, as amended by Acts of 1916, ch. 222. For the text of these sections, see pp. 103, 104.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 156, as amended by Acts of 1916, ch. 506, and sec. 157. For the text of these sections, see p. 96.

<sup>5</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 166; art. 100, secs. 34, 35. For the text of these sections, see pp. 98, 103.

<sup>6</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 10. For the text of this section, see p. 100.

officers have the power to prosecute for violations of the child-labor law<sup>1</sup> they do not exercise this power to prosecute employers, but leave such prosecutions entirely in the hands of the board of labor and statistics.

In addition, the officials who are responsible for the taking of the school census should be mentioned, as this census is of assistance in enforcing the compulsory school-attendance law. In Baltimore City an annual enumeration of children of school age is made by the police commissioners<sup>2</sup> and in the counties, beginning in 1918, a school census will be taken biennially by the county boards of education, according to the rules of the State board.<sup>3</sup>

Any factory inspector or attendance officer is liable to a fine of not more than \$10 if he knowingly or willfully violates or fails to comply with the provisions of the child-labor law, and any person who interferes with either of these officials in the performance of his duties in this connection is liable to a fine of not more than \$10 or imprisonment for not more than 10 days, or both.<sup>4</sup>

Any person having a child under his control who fails to send the child to school as required by law is liable to a fine of not more than \$5.<sup>5</sup> If a person induces a child to "absent himself unlawfully" from school, or employs during school hours a child who should be in school, he is liable to a fine of not more than \$50.<sup>6</sup> Any attendance officer may arrest without warrant a child between the ages of 8 and 16 years who is a truant from school and found away from his home, and may return the child to school or to his parents.<sup>7</sup>

The enforcement of the compulsory school-attendance and of the employment-certificate laws may be discussed from two points of view: First, the supervision of children who are, or should be, attending school, and, second, the supervision of children who have left school and have entered industry. The first group is supervised (1) through the system employed by the school authorities to keep in school, by following up absentees, the children already enrolled, and (2) through the method of locating, by means of the school census, children who should be enrolled. The second group is supervised through the methods adopted by school authorities and issuing officials to follow up (3) children who, in the course of their transition from school to industry, are applicants for employment certificates; and (4) children who, after they have entered industry,

<sup>1</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 34. For the text of this section, see p. 103.

<sup>2</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 159. For the text of this section, see p. 97.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 77, secs. 12F, 21B, 25M, all as added by Acts of 1916, ch. 506. For the text of these sections, see p. 95.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 100, secs. 42 and 43, both as amended by Acts of 1916, ch. 222. For the text of these sections, see p. 104.

<sup>5</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 154. For the text of this section, see p. 96.

<sup>6</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 155. For the text of this section, see p. 96.

<sup>7</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 157. For the text of this section, see p. 96.

change from one occupation to another or stop work entirely. The methods used in inspecting industrial establishments to detect children who may be employed without certificates apply to both groups.

### SCHOOL ATTENDANCE.

Every principal or head teacher of any school in the State, whether public, private, or parochial, is required by law to report to the school commissioners of the county<sup>1</sup> or of Baltimore City or to the authorized attendance officers the names of all children who have been absent from school, without lawful excuse, three days within a period of eight consecutive weeks.<sup>2</sup> In practice, the county boards of education require teachers to make monthly reports to the attendance officer of all children absent three days during the month, while the Baltimore department of education requires reporting to the attendance department truants or suspected truants who have been absent one session, and irregular attendants who have been absent two or more sessions within five consecutive days. The rules for Baltimore City state further that "pupils habitually regular in attendance, though absent six consecutive sessions, should not be reported if the teacher is reasonably sure that the absence is excusable." This is to avoid, as far as possible, unnecessary investigation of children absent because of sickness or other unavoidable cause, and to utilize the services of the attendance officers to most advantage in returning to school actual truants and irregular attendants.

Parochial and private schools have not been required either in Baltimore City or in the counties to comply with these rules for reporting absentees, but the majority of them do so voluntarily.

*Baltimore City.*—In Baltimore City the compulsory school-attendance law is enforced by a special school-attendance department, the personnel of which consists of a chief and 12 other attendance officers, all women, appointed by the board of school commissioners. Each school-attendance officer covers a district containing from 6 to 11 public schools.

When a public-school teacher reports an absence for investigation, she enters the data relating to the case on two original and two duplicate forms<sup>3</sup> in an attendance book which is kept in the office of the principal; as these forms are identical, the same information is recorded four times. One of the original and one of the duplicate forms she removes from the book, keeping the duplicate for reference

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<sup>1</sup> The terms "county school commissioners" and "county board of education" are used synonymously in the law.

<sup>2</sup> A. C. 1911, vol. 8 (1914), art. 77, sec. 100. For the text of this section, see p. 37.

<sup>3</sup> Form 27, p. 120.

until final disposition of the case, and dropping the original in a box from which it is taken by an attendance officer on one of her semi-weekly visits to the school. The attendance officer, after she has looked up the case and the pupil has either returned to school or been withdrawn from school, makes her report on this original form, and it is then filed in the office of the attendance department. Of the other set of forms, the original is sent on the second Saturday of each month by the principal of the school to the office of the attendance department, and it is filed there as a permanent record, and the duplicate is left in the attendance book as a permanent school record. The attendance officer enters her report and the teacher notes the date of the child's return to school on both these forms if the original has not already been sent to the attendance department. Otherwise these entries are made on the duplicate form only.

In addition to investigating public-school absences, the attendance officers investigate absences from those parochial schools where the teachers voluntarily cooperate with the public-school officials. The method of reporting in these cases is not uniform. In some cases the attendance officer visits the parochial schools at frequent intervals and in others the lists of absentees are mailed to her.

In the public schools a child to whom a school record has been issued is not dropped from the rolls until the school is notified by the board of labor and statistics that he has secured a certificate; if absent, he must be reported like any other absentee. The fact that he has received a school record is noted on the report of absence, and the attendance officer, either by telephone or in person, finds out whether he has applied for a certificate and, if so, what has been done in regard to his application. The usual practice is not to issue a school record until the child presents an employment ticket signed by an employer.

If an attendance officer is told by a parent that an absent child is at work, she goes to the alleged place of employment, provided it is located within her district, to see if an employment certificate is filed. But if the child is employed in some other district the case is not transferred to the officer in the other district. Instead, the officer investigating telephones to the employer to ascertain whether he has a certificate on file for the child in question, and inquiry is made of the board of labor and statistics as to whether the certificate has been issued. If the employer states that he has a certificate on file, and if this information is corroborated by the board, no further investigation is made. Violations of the child-labor law discovered by the attendance officers are reported to the board of labor and statistics.



When a child transfers from one Baltimore public school to another, the principal of the school which he leaves mails a transfer card to the principal of the school which he intends to enter. If the child does not put in an appearance at the new school, the principal of that school notifies the school-attendance department. The same system of dealing with transfers is followed by some of the parochial-school principals, but the public-school forms are not used. When a child transfers from a school outside Baltimore City to one in Baltimore, but fails to enter the city school, there is no regular method of locating him until the next school census is taken. Occasionally, however, the principal of the school which the child is leaving sends the school-attendance department the child's Baltimore address. And the school-attendance officers state that families in the neighborhoods which they visit keep them posted as to new arrivals.

If a parent does not comply with the request of an attendance officer to return his child to school, the head of the school-attendance department sends a letter of warning, and, if this is of no avail, requests a magistrate to send the parent a special form of summons to appear before him. If the warning given by the magistrate when the parent appears has no effect, a warrant is issued for the parent's arrest, and he is usually fined \$1 and costs. The costs amount to \$1.70. A flagrant offender may be required to pay the maximum fine of \$5. If a parent is unable to control his child, the case is brought before the juvenile court, and, if there appears to be no better alternative, the child is sent to the Parental School.

The work of the Baltimore school-attendance department in keeping children in school is shown in the following statistics taken from the report of the assistant superintendent of public instruction for the year ended June 30, 1917:<sup>1</sup>

	Number.
Cases investigated.....	48,644
Absentees.....	36,525
Truants.....	2,908
Nonattendants put into school.....	201
Special cases.....	8,820
Visits to homes.....	47,268
Visits to schools.....	6,899
Refused permits to work.....	963
Magistrate cases.....	684
Prosecutions before the juvenile court.....	118
Committed to Parental School.....	50

*Western and eastern Maryland counties.*—In the counties the school-attendance law is enforced by attendance officers, one for each

<sup>1</sup> This report is on file in the office of the Baltimore City Board of School Commissioners.

county, appointed by the county boards of education.<sup>1</sup> Monthly reports of pupils absent for three or more days during the month are sent from each school to the county attendance officers on forms prescribed by the State board of education and furnished by the county boards. Upon receiving these reports the attendance officer visits the parents whenever possible; otherwise a form letter demanding the child's return to school is sent. Whenever the amount of the attendance officer's work permits, the letter is followed up by a visit. Reports of what has been done are sometimes made by the attendance officer to the school, but not always. In some counties the form letter sent to the parent, or left by the attendance officer when he visits the home, contains instructions that the child take it to his teacher. On this form is a statement that the child has returned to school, which, when the child has actually returned, is signed by the teacher; the form is then sent back to the attendance officer. When this form is not used, especially in the country districts, it often happens that the officer does not know whether a child has returned to school until he receives the next monthly report.

In addition to these monthly reports, the attendance officers in some of the counties instruct the teachers to use a special "urgent" form for sending in reports of cases which should be investigated immediately. These are sent whenever the teacher thinks it advisable, and the attendance officer either sends a letter to the parent notifying him that he must return the child to school, or if possible makes a special visit. The attendance officer makes a record of what has been done on the reverse side of the form used by the teacher to report the absence and returns it to the school.

There are few parochial or private schools in the counties. Most of them cooperate with the public-school officials by reporting absentees to the county attendance officers.

If a parent persists in a violation of the compulsory-education law, the attendance officers in some of the counties ask a magistrate to send him a notice threatening a summons if he does not send his child to school. If this has no effect, prosecution is sometimes instituted, as in Baltimore City. The general policy, however, is not to prosecute unless it is absolutely necessary. Cases are often dismissed, and even when a parent is convicted the fine is frequently suspended.

Many of the attendance officers inspect establishments in their territory, both to discover children who should be enrolled but who

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<sup>1</sup> In Worcester County at the time of this study the work of the attendance officer was being performed by the primary supervisor and the superintendent of schools. In Baltimore County the attendance officer has two assistants. Since the completion of this study, the education law has been amended so as to permit the State board of education in its discretion to excuse any county from employing an attendance officer and to designate the county superintendent of schools, the primary supervisor, or the statistical clerk to perform the duties of attendance officer. [Acts of 1918, ch. 494.]

are working illegally and to put back in school enrolled children who have gone to work without certificates or on certificates illegally issued. If an attendance officer finds a child working illegally she orders him to return to school and reports the violation either to the representative of the board of labor and statistics having jurisdiction in that county or to the Baltimore office of the board if no particular inspector has jurisdiction. A violation reported to the Baltimore office or to the representative of the board in the western counties is followed by an investigation by an inspector and a report to the attendance officer. The inspector for the eastern-shore counties sometimes visits the establishment in which the violation is said to have occurred, but he makes no report to the attendance officer.

### SCHOOL CENSUS.

An annual school census in Baltimore City is provided for by law,<sup>1</sup> and beginning in 1918 a school census must be taken biennially in the counties.<sup>2</sup> Before 1914 the census in Baltimore City, which included all children between 6 and 16 years of age, was taken each year by the members of the police force in the early part of September at the same time as the enumeration of voters.<sup>3</sup> The census as thus taken was very incomplete; not over 60 per cent of the children of school age, it is estimated, were recorded. The principal reasons for this incompleteness were that the enumeration of children was subordinated to the enumeration of voters, and that policemen worked outside of their usual districts and in localities where they were not well acquainted.

Beginning in November, 1914, a special annual census of Baltimore children between the ages of 6 and 18, inclusive, has been made in accordance with a law passed in that year. The census is taken under the direction of the police commissioners and is furnished by them to the school commissioners. The name, address, age, color, sex, and place of birth of each child must be recorded, together with the place of birth of each parent, and the school attended by the child, or, if he is not at school, his employment or the fact that he is not employed.<sup>4</sup> The effectiveness of the census has been greatly increased not only because it no longer includes the enumeration of voters but because both the method and time of taking it have been changed. Under the new arrangement the work is done by post

<sup>1</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 159. For the text of this section, see p. 97.

<sup>2</sup> A. C. 1911, vol. 3 (1914), art. 77, secs. 12F, 21B, and 25M, all as added by Acts of 1916, ch. 506. For the text of these sections, see p. 95.

<sup>3</sup> A. C. 1911, vol. 1 (1911), art. 33, secs. 17, 18; A. C. 1911, vol. 2 (1911), art. 77, sec. 159.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 159. For the text of this section, see p. 97. For the census form, see Form 28, p. 120.

instead of by precinct, so that each policeman records the children on his beat. Moreover, the month selected for the enumeration is November, when the children are likely to be in town, whereas when the census was taken just before or soon after school opened, many children were out of the city, either at work in the county canneries or away for other reasons.

Notwithstanding the incompleteness of enumeration previous to 1914, good use was made of the results obtained. The enumeration books, which contained the name, age, and sex of each child, together with the school last attended and the name and address of the parents and, if the child was employed, of the employer, were turned over by the police to the school-attendance department. A clerk then made a list of all children recorded as neither in school nor at work. To each attendance officer was sent a list of such children in her district. In addition to following up these cases, each attendance officer compared the names of the children in her district recorded on the census rolls as attending public school with the names of those actually on the school registers to discover other unenrolled children. By this means there was a real checking of census with school enrollment. Now that the new enumeration system has resulted in a more complete and accurate listing of children of school age, this method of using the census lists to discover children who should be enrolled in school is a material aid in enforcing the compulsory school-attendance law.

### APPLICANTS FOR CERTIFICATES.

*Baltimore office.*—The board of labor and statistics sends to each Baltimore City school a report<sup>1</sup> of the names of children from that school granted original certificates, whether regular or temporary, which permit employment during school hours. These reports, which are sent to all schools, whether public, private, or parochial, are made daily throughout the school year, and a list of all such certificates issued during vacation is sent to each school at the beginning of the term.

Children who apply for certificates and are refused for any reason are reported weekly to the school-attendance department. This report includes children refused (1) unconditionally; (2) until physical defects are corrected; and (3) until a promise of employment in another occupation is secured. It is made on cards,<sup>2</sup> one for each child, and gives identification data and the reason for the refusal. The information cards of all applicants who have been neither definitely refused nor granted certificates are kept in a "held-up" file.

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<sup>1</sup> Form 29, p. 120.

<sup>2</sup> Form 11, p. 113.

Ordinarily, at the end of each month, the board reports<sup>1</sup> to the attendance department all the applicants during that month whose names are in this file and who have not been included in the weekly report of refused cases. On account, however, of the increasing amount of certificate-issuing work which must be performed by a small office force, these reports at the time of this study were made only two or three times during the school year. Since that time the practice of making these reports monthly has been resumed. The name of an applicant who comes to the office unaccompanied by his parent and without any preliminary papers is not included in any report, as no information card is made out for such a child.

After receiving these reports, the school-attendance department looks up as soon as possible the children who have not already returned to school. Children from private or parochial schools are followed up as well as those from public schools.

The following is a summary of the findings as to cases so referred to the school-attendance department by the board of labor and statistics during 1916:<sup>2</sup>

Total cases reported.....	951
Returned to school.....	593
In domestic service.....	182
At work with certificates.....	41
Left city.....	36
Became 16 years of age.....	24
Not located.....	22
Physically or mentally disabled.....	12
Dropped by attendance department.....	12
Not living in Baltimore City.....	8
Committed to institution.....	1
Cases pending.....	20

The board of labor and statistics sends monthly to the school authorities in Baltimore, Anne Arundel, and Howard Counties lists of all applicants from those counties to whom certificates have been issued or refused.

*Western Maryland counties.*—The representative of the board of labor and statistics in the western counties makes reports to the county attendance officers which are similar to those sent by the board to the school-attendance department in Baltimore. These reports, however, are usually made by telephone whenever certificates are issued, refused, or held up, instead of being sent at regular intervals on the forms used in Baltimore. Reports of certificates issued and refused during vacation are made to the attendance officers at

<sup>1</sup> No special form is used for this report.

<sup>2</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 95.

the beginning of the school year. A record of certificates refused is kept in the office on the same forms<sup>1</sup> as are used in Baltimore for the weekly report of refused cases.

In towns where children who have not completed the seventh grade are permitted to work on vacation certificates provided they attend evening school, the names of all children to whom such certificates have been issued are reported to the county attendance officer and to the principal of the evening school which they agree to enter. The latter reports all absentees among such children at least weekly to the issuing officer.

*Eastern Maryland counties.*—No system of cooperation exists between the issuing officials and the school authorities in the eastern counties. According to law, whenever a certificate is refused, a record of the refusal, together with the reason therefor and the school the child should attend, must be sent to the county superintendent of schools and to the board of labor and statistics.<sup>2</sup> Issuing officers are instructed to use for these reports the same form<sup>1</sup> as is used in the Baltimore office for the weekly report of certificates refused which is made to the school authorities. The physicians, however, never send these records of certificates refused to the county superintendents, and some of the physicians do not send them to the State board.<sup>3</sup> At the Cambridge office of the board of labor and statistics in Dorchester County an applicant for an original general certificate is usually required to bring a note from the attendance officer to the effect that he has fulfilled the compulsory school-attendance requirements, but no reports of certificates issued are made, and where the physicians appointed by the county boards of education issue certificates the issuing officers and the school officials work independently.

### UNEMPLOYED CHILDREN.

In order that unemployed children who are subject to the compulsory education law may be put back in school, the labor law requires employers to return to the issuing officers all certificates of children who have left their employ. If the child so demands, his certificate must be returned within 24 hours after the termination of employment; in any case within 15 days. The employer is liable to a fine of not more than \$10 for failure to comply with this provision. The law also specifies that when certificates are returned to county issuing officials they shall notify the board of labor and statistics.<sup>4</sup> If

<sup>1</sup> Form 11, p. 113.

<sup>2</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 16, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 102.

<sup>3</sup> For reports to board, see p. 16.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 100, secs. 11 and 39, both as amended by Acts of 1916, ch. 222. For the text of these sections, see pp. 100, 104.

an employer fails to return the certificate of a child who has left his employ, there is no method by which the board of labor and statistics or the county issuing official can know that the child is unemployed unless he applies for a subsequent certificate or his unreturned certificate is discovered by an inspector.

*Baltimore City.*—If a child whose general certificate has been returned does not apply for a subsequent one within a few days, a postal card<sup>1</sup> is sent notifying him that he must get a new permit before he can go to work again. If he does not apply within 30 days, it is assumed either that he has secured new employment illegally or that he is unemployed, and ordinarily the board of labor and statistics then reports his name to the school-attendance department for investigation.<sup>2</sup> At the time of this study, however, these reports, because of the pressure of certificate-issuing work, were made only two or three times during the school year instead of monthly; since that time the practice of making them monthly has been resumed. These reports are made on cards, one for each child. Every child thus reported is looked up by an attendance officer and is told that he must either become legally employed or go back to school. If he has gone to work without a certificate he is reported to the board and is required to get one. In case the school year is well under way the emphasis is placed upon his getting a new job and securing another certificate rather than upon returning to school.

Once a year the school-attendance department renders a report to the board of labor and statistics regarding these children. This report for the year 1916 is as follows:<sup>3</sup>

Total cases reported.....	1,031
Working without permits.....	404
Working at home or in domestic service.....	113
Secured permits subsequently.....	101
Returned to school.....	86
Moved away from city.....	71
Out of work.....	49
Ill.....	12
Committed to corrective institutions.....	12
Married.....	4
No information obtainable.....	57
Could not be located.....	48
Not reported.....	74

No reports of returned vacation certificates are made to school officials.

The board of labor and statistics sends to the school authorities in Baltimore, Anne Arundel, and Howard Counties the same reports

<sup>1</sup> Form 30, p. 121.

<sup>2</sup> Form 31, p. 121.

<sup>3</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 96.

of returned certificates as are sent to the attendance department in Baltimore City. These cases are investigated by the attendance officers. The officer for Baltimore County makes a report to the board, but no reports are received from schools in the other counties.

Employers sometimes send the certificates back to the board by the children instead of by registered mail as is required by law. In such a case, the issuing officer sends a form letter<sup>1</sup> to the employer calling his attention to the proper procedure.

*Western and eastern Maryland counties.*—In the western counties, a child whose general certificate has been returned but who has not applied for a new one is reported promptly by the issuing officer to the proper attendance officer. Names of children whose vacation certificates have been returned are reported to the proper attendance officer before November 1.

In the eastern counties, no reports of unemployed children are made by the issuing officers to the school officials. Nor do the county issuing officials notify the board of labor and statistics when certificates are returned.

## INDUSTRIAL INSPECTIONS.

The board of labor and statistics must enforce the provisions of the child-labor law throughout the State, and is authorized to appoint inspectors for this purpose, the appointments to be subject to the approval of the governor.<sup>2</sup>

Seven inspectors have been appointed. Their duties are to enforce the child-labor laws, including the law relating to hours of labor and that relating to prohibited occupations, and in addition to enforce the law relating to safety and sanitation in certain factories and in tenement-house workshops,<sup>3</sup> and the 10-hour law for females.<sup>4</sup> They work under the direction of the assistant to the board. One inspector, a woman, is assigned to the four western counties. She also issues certificates in those counties. Another, a man, is assigned to the nine counties on the eastern shore of Maryland. The five remain-

<sup>1</sup> Form 32, p. 121.

<sup>2</sup> A. C. 1911, vol. 2 (1911), art. 89, sec. 1, as amended by Acts of 1916, ch. 406; vol. 3 (1914), art. 100, sec. 48, as amended by Acts of 1916, ch. 222. For the text of these sections, see pp. 98, 104.

<sup>3</sup> The factory-inspection law requires that the board of labor and statistics license and inspect "any loft, workshop, or factory in any building whatsoever" in which are made, "in whole or in part, any articles of clothing, hats, gloves, furs, feathers, artificial flowers, purses, cigars, or cigarettes," and any room or apartment of any tenement or dwelling house "used for the purpose of manufacturing, in whole or in part, altering, repairing, or finishing therein, any articles whatsoever, except for the exclusive use of the person so using any part of such tenement or dwelling house, or the immediate members of his household." A. C. 1911, vol. 3 (1914), art. 27, secs. 264-275; art. 89, vol. 2 (1911), sec. 13, as added by Acts of 1916, ch. 406.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 51, as amended by Acts of 1916, ch. 147; secs. 52, 54, 55; vol. 2 (1911), art. 89, sec. 12, as amended by Acts of 1916, ch. 406.



ing inspectors, four men and one woman, are assigned to five of the seven inspection districts into which the city of Baltimore is divided. They also visit establishments in the other two Baltimore districts and in the 10 counties to which no special inspector is assigned. In addition they inspect canneries in three of the eastern shore counties.

In conducting its inspections, the board of labor and statistics is aided by a card catalogue of manufacturing, mechanical, and mercantile establishments which it compiles in compliance with a law effective in April, 1914. This law requires the registration of every factory, manufacturing and mechanical establishment, and workshop, and of every store or other mercantile establishment employing more than five persons, and provides for the registration of the new address of any such business within 30 days after a change in location.<sup>1</sup> Employers are requested to fill out blank forms<sup>2</sup> furnished by the board, giving the name and location of the establishment, the industry and nature of the business, the goods manufactured, and the number of persons employed in offices and workshops, classified by sex and divided into two groups, those over and those under 16 years of age.

In enforcing the child-labor law, the inspectors use the same forms and are instructed to follow the same procedure throughout the State.

Passing from room to room in an establishment the inspector asks the name, sex, age, and occupation of every child whom he finds at work and who he thinks is under the age of 16, and enters the information on a printed slip prepared for this purpose. If the child should refuse to answer these questions, he can be brought before a juvenile court or a court having jurisdiction over children, examined, and "dealt with according to law."<sup>3</sup> The usual procedure, however, in a case of this kind is to summon the child to the office of the establishment and question him in private.

Having secured this information, the inspector goes to the office and asks for all the employment certificates on file. These certificates he checks with the information as to name, sex, age, and occupation which he has received from the children at work. If a permit is found for a child whom the inspector has not seen, the child is sent for and interviewed, provided he is at the establishment. By this procedure children working without certificates or at prohibited occupations may be detected; but neither the child's signature nor any other information on the certificate is used for identification purposes.

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<sup>1</sup> A. C. 1911, vol. 3 (1914), art. 27, secs. 264, 265.

<sup>2</sup> Form 38, p. 121. This form is printed on a white card for manufacturing establishments, a blue card for mercantile establishments, and a yellow card for mechanical establishments.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 45. For the text of this section, see p. 104.

When the information secured during the inspector's round of the factory has been checked, it is supplemented by the data for all other children for whom certificates are on file in the office, both those away from the factory at the time of the visit and those who did not appear to the inspector to be under 16. All these data are transferred to the "Child Labor Inspection Card,"<sup>1</sup> on one side of which are columns for the name of every child under 16 years of age found at work, the sex, age, and occupation of the child, and the kind of certificate under which he is working. The inspector then makes out on the opposite side of the inspection card<sup>2</sup> a statistical summary which gives the number of children under 16 employed, classified by age, sex, color, and occupation. The number and kind of employment certificates on file for these children and the number of children under 12 years of age are also reported. The occupations in which boys and girls are found engaged are summarized according to age groups. The form contains a schedule of working hours which the inspectors are instructed to fill out for every establishment inspected. There is also a column for reporting the number of violations found.

If an inspector while making his rounds finds a child working without a certificate who claims to be over 16 but appears younger, or one who, though he may have a certificate, appears to be under the age claimed, he records on a printed slip the child's name, address, date and place of birth, the physician attending at birth, place of baptism, order of birth in family, and the names of the parents and of the employer for whom the child is working. Later the files of the board are searched for some record of the child, and if none is found an attempt is made to secure information as to his age from some authoritative source. In addition, the inspector may require the employer to produce evidence of age. Violations are often thus discovered.

At the time of this study the inspector for the eastern-shore counties followed a procedure somewhat different from that described above. If in making an inspection he detected no apparent violation he did not examine the certificate files either to check the information obtained or to add data. He used the same forms as the other inspectors with the exception of the slip for following up children as to whose age there is doubt.

If an inspector is visiting establishments in Baltimore, he turns his inspection cards in to the office daily; otherwise, if he is working under the direct jurisdiction of the Baltimore office, he sends them in weekly. The inspectors for the western and the eastern-shore counties are instructed to keep their own files of inspection cards and to make an annual report of inspections to the board.

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<sup>1</sup> Form 34 (reverse), p. 122.

<sup>2</sup> Form 34, p. 122.

At the same time that inspectors inspect for violations of the child-labor law they also inspect for violations of the 10-hour law for females and of the safety and sanitation law.

For each working day an inspector must make out a report card which gives the establishments visited, the number of violations discovered, and other details.<sup>1</sup> The disposition of the daily report cards is the same as that described for the inspection cards.

An effort is made to inspect all establishments in the State at least once a year. It is, however, an impossible task for the limited staff of the board to cover the entire territory. Particularly is it difficult to visit the numerous county establishments scattered over a wide area, many of them canneries which operate for only a part of the year. During 1916, in Baltimore City, establishments employing 3,930 children under 16 years of age were inspected. In addition, establishments employing approximately 3,126 children were visited in the counties.<sup>2</sup>

### VIOLATIONS AND PROSECUTIONS.

If an employer of children fails to produce employment certificates upon the demand of the proper authorities, this failure becomes *prima facie* evidence that he is employing children illegally, and he is liable to a fine of not more than \$10.<sup>3</sup> There is a further provision that any person may prosecute another who is violating any of the provisions of the employment-certificate law.<sup>4</sup> Any person found guilty of violating this law is liable to a fine of not more than \$10 for a first offense. For a second offense he is liable to a fine of not more than \$50, or imprisonment for not more than 10 days, or both. This penalty applies not only to the employer but to the parent or other person having control of the child.<sup>5</sup>

An employer who continues to employ a child in violation of any of the provisions of the certificate law after he has been properly notified by an inspector or other authorized person is liable to a fine of not more than \$20 a day until he does so comply.<sup>6</sup>

The four main classes of violations of the employment-certificate law with which the inspection staff of the board of labor and statistics must deal are: (1) Employment of a minor under certificate age, (2) employment without any certificate or without the proper certificate

<sup>1</sup> Form 35, p. 123.

<sup>2</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 171.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 100, secs. 34, 35; secs. 40 and 48, both as amended by Acts of 1916, ch. 222. For the text of these sections, see pp. 103, 104.

<sup>4</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 34. For the text of this section, see p. 103.

<sup>5</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 37, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 103.

<sup>6</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 38. For the text of this section, see p. 103.

of a child of certificate age who may or may not be able to comply with the legal requirements, (3) nonreturn of employment certificates, and (4) failure to secure a new certificate when a child changes his occupation but not his employer.

In practice, these different types of violations are not always immediately distinguishable. The inspector may find a child working without a certificate who may be—

- (1) under certificate age,
- (2) of certificate age and unable to secure a certificate, or
- (3) of certificate age and able to secure a certificate.

On the other hand, he may find a child working under a certificate illegally because—

- (1) It is not his own certificate, or because
- (2) it does not authorize him to work—
  - (a) at that time,
  - (b) at the occupation in which he is engaged, or
  - (c) for that employer.

The inspector for the eastern-shore counties at the time of this study did not report as violations cases of children found working for one employer under a certificate issued to another employer. If a child found working illegally for any of the above reasons admits that he is under certificate age, his immediate discharge is ordered and he is told that he must go to school. If, however, he claims to be of certificate age, he is directed to stop work and either enter school or obtain a certificate and give it to his employer. If, upon applying for a certificate, the child can not satisfy the legal requirements, the issuing officer tells him that he must not return to work but must go to school, and warns his employer not to reemploy him.

Inspectors are required by law to report the names of children found at work illegally both to the issuing officers in the places where they reside and to the proper school officials.<sup>1</sup> The first requirement is fulfilled in Baltimore City by sending the violation report cards<sup>2</sup> to the board of labor and statistics and in the western counties by the fact that the inspector and the issuing official is the same person. In either of these places, if a child who is instructed to apply for a certificate does not do so within a week, the board officials send an inspector to reinvestigate, or, if this is impossible, telephone the employer or send him a letter demanding his compliance with the law. They also search the office files to see whether the child has ever applied for a certificate and been refused, and make every effort to secure evidence of his age. In addition to reporting children illegally employed to the issuing officers, inspectors in the counties

<sup>1</sup> A. C. 1911, vol. 8 (1914), art. 100, sec. 34. For the text of this section, see p. 103.

<sup>2</sup> For procedure in making these reports, see p. 65.

are instructed to assume the responsibility themselves of seeing that the children either secure certificates or enter school. The inspector for the eastern-shore counties does not report children illegally employed to the issuing officers. The second requirement is fulfilled in Baltimore City by the fact that the names of all children whose discharge is ordered by an inspector, or who do not apply for certificates after being ordered to do so by an inspector, are reported weekly by the board to the school authorities. In the western Maryland counties the board inspector reports immediately to the county attendance officers all children found illegally employed. In the eastern counties the inspectors directly under the jurisdiction of the Baltimore office report children illegally employed to the proper attendance officer. At the time of this study, this practice was not followed by the inspector for the eastern-shore counties.

If an inspector finds on file a certificate for a child who is no longer employed in the establishment, he instructs the employer to return it immediately by mail to the board, and notes this order on his daily report card.

Employers usually fail to pay any attention to the requirement that a new certificate must be obtained if a child is set to work at a different occupation than that for which he was originally employed,<sup>1</sup> especially in establishments where occupations in which children engage are not standardized. Both because the staff of inspectors is inadequate and because it is difficult to detect this kind of violation, the board usually does not know of such a change. If a child, however, is found by an inspector to be at work in an occupation other than that for which his certificate has been granted, his employer must change his occupation to that stated in the certificate or send him to the issuing officer for a new certificate, or else discharge him. The further procedure in these cases is the same as in cases of children found employed without certificates. The board of labor and statistics has requested employers to return the certificate when a child changes his occupation while still remaining in their employ, but this is seldom done. The failure to comply with this request, however, can not be considered illegal, since the return of the certificate in such cases is not required by law.

Whenever an inspector detects any violation of the law he makes a detailed report on a "violation report card,"<sup>2</sup> which he is required to file within 24 hours with the Baltimore office of the board of labor and statistics. In the western and eastern-shore counties, however, the inspectors are instructed to file their own violation report cards. A separate card is filled out for each establishment where

<sup>1</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 16, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 102.

<sup>2</sup> Form 36, p. 123.

violations are found. On the reverse side<sup>1</sup> appears a form for acknowledgment of the offense by the employer containing the statement that "said violations were entirely unintentional," followed by a space for the employer's explanation.

During 1916 the board inspectors found 3,930 children at work in Baltimore City, 147 in the western counties, and 2,979 in the eastern counties. Of these children, 286, working for 168 firms, were employed illegally in Baltimore; in the western counties 66 children in 38 establishments and in the eastern counties 205 children in 80 establishments were so employed. Of the 557 violations, 448, or approximately 80 per cent, were cases of children under 16 employed without certificates.<sup>2</sup>

All prosecutions are brought through the chairman of the board of labor and statistics except those for violations discovered by the inspectors assigned to the western and the eastern-shore counties, who institute prosecutions themselves. If an employer is to be prosecuted for any violation of the certificate law, a warrant, in which the charge is stated, is secured from a magistrate. The employer may have his case tried either before a magistrate or by a jury, but usually elects the former.

If an employer reported for a violation to the Baltimore office is not to be prosecuted, an inspector is assigned to revisit the establishment or a letter is sent explaining the violation and warning against a repetition of the offense.

The policy of the board in regard to prosecutions during 1916, as in preceding years, was very lenient. This policy is due in part to the difficulty encountered in securing convictions. It has been found hardly worth while to bring prosecutions except before certain magistrates who have shown themselves willing to cooperate in the enforcement of the law. In Baltimore 14 prosecutions were instituted involving the illegal employment of 39 children. Twenty-nine of these children were working without permits, five were under legal age, two were working in forbidden occupations, and three were employed in violation of the hours-of-labor law. In seven of these cases both the employers and the parents who had misrepresented the ages of their children were prosecuted; in two cases the employers alone and in five cases the parents alone were brought into court. In four cases the charges against the parents and in three the charges against the employers were dismissed. Six employers were convicted, and fines ranging from \$1.45 (costs) to \$5 and costs for each violation were imposed. In only one case did the total fines

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<sup>1</sup> Form 36 (reverse), p. 124.

<sup>2</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 171. Separate figures for those under certificate age and for those of certificate age but without certificates are not available.

and costs paid by an employer exceed \$7. The parents convicted were usually fined \$1 and costs or costs only, the total amounts paid ranging from \$1.70 (costs) to \$4.70.<sup>1</sup>

Outside of Baltimore City, there were only four prosecutions, three in Baltimore County involving eight children, and one in Wicomico involving two children. Convictions were secured in all four cases.<sup>2</sup>

## RECORDS.

*Baltimore office.*—Administrative and statistical records for Baltimore City and for the counties where certificates are issued by the examining physicians are on file in the Baltimore office of the board of labor and statistics. They consist of—

### 1. Employment certificates and records connected therewith:

- (a) Duplicate employment certificate books----(Forms 1, 3, pp. 107, 109).
- (b) Information cards and slips----- (Form 7, p. 111).
- (c) "Held-up" file of information cards----- (Form 7, p. 111).
- (d) Returned certificate files----- (Forms 1, 3, pp. 107, 109).
- (e) Employment ticket file----- (Form 5, p. 110).
- (f) Affidavit of age file----- (Form 8, p. 112).
- (g) Occupational disease report file----- (Form 26, p. 119).
- (h) County certificate file (duplicates)----- (Forms 2, 4, pp. 108, 110).
- (i) County refusal record file----- (Form 11, p. 113).

### 2. Inspection records:

- (a) Child-labor inspection card file----- (Form 34, p. 122).
- (b) Inspector's daily report card file----- (Form 35, p. 123).
- (c) Violation card file----- (Form 36, p. 123).

All general and vacation employment certificates issued at the Baltimore office are made out in duplicate. These are printed on large sheets, four to a sheet. The originals are perforated so that they can be detached one at a time as issued. The duplicate sheets, which are bound in numerical order in large books as they accumulate, are kept on file in the office for a period of four years as required by law.<sup>3</sup>

The information card,<sup>4</sup> the form of which has been improved from year to year, contains all the essential information obtainable from the school record (if required), the document submitted as evidence of age, and the employment ticket. It contains also the record of the physical examination. Since the number of each certificate issued to a child, the name of each employer, and each occupation are entered on this card, it constitutes a complete record of his

<sup>1</sup> Statistics furnished by the Maryland State Board of Labor and Statistics.

<sup>2</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 171.

<sup>3</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 16, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 102.

<sup>4</sup> Form 7, p. 111.

employment. The information slip, on which these data are first entered by hand, is exactly like the card except that it is of thin paper. The slips, as soon as the information they contain is copied on the cards and the copying is verified, are filed numerically, according to the number of the last certificate issued. The heavy cards for the current month are filed alphabetically under the names of the children. On the first of each month these cards are removed from the current file and the information they contain is tabulated, after which they are placed in alphabetical order in the permanent file. When a child applies for a subsequent certificate, both his information slip and his information card can easily be located. Every three months the information cards and slips of the children who have become 16 years of age are removed from the permanent files. The cards are placed in a special file, where they are kept for four years, and the slips are destroyed.

If a child is refused a certificate on his first visit, an entry to that effect is made on his information slip and card, and they are filed in the usual way. If a certificate is neither granted nor refused on his first appearance but is withheld pending the fulfillment of one or more of the legal requirements, the information slip and card are placed in a "held-up" file. To them are attached all the documents in the case, together with a memorandum of the reasons for the "holdup." If at the end of one month the child has not returned, or if during that month he returns and is refused or granted a certificate, the slip and the card are removed from the "held-up" file and placed in the regular files.

Certificates which are returned by employers when children leave their employ are filed alphabetically under the child's name, the general and the vacation certificates being filed separately. The certificates in the general certificate file are in two divisions, those which have been in the office less than 30 days and those which have been there longer. A returned certificate is kept until a new one is issued, when it is destroyed. These files are kept on the receiving officer's desk during issuing hours.

After the certificate is issued, the various documents which are presented by an applicant are disposed of as follows: The number of the certificate is entered upon the employment ticket, and the ticket is filed according to this number in order that it may be identified when the certificate is returned. This employment ticket is kept on file until the child changes employment, when it is destroyed; the school record is returned to the child; the paper on which the child writes his examination, if the educational test is given, is destroyed; evidence of age, except the physician's certificate of age, is returned to the child, but it is stamped so as to prevent its



fraudulent use; and the parent's affidavit, which contains the physician's certificate of age,<sup>1</sup> is filed alphabetically. If other evidence of age is obtained, the parent's affidavit and physician's certificate is destroyed:

A separate file is kept for the occupational disease reports<sup>2</sup> sent to the board by the State board of health. Most of the reports of occupational diseases occurring among children are those originally made to the board of health by the physicians of the board of labor and statistics.

Separate files are also kept of the duplicates of certificates granted and of the records of certificates refused which are sent to the board by the physicians issuing certificates in the counties.

There are kept separately for Baltimore City and for those counties where the inspecting is done under the direct supervision of the Baltimore office three principal files of records relating to inspection: Child-labor inspection cards, classified by industry and arranged alphabetically under each industry; daily report cards, by inspector; and violation report cards, by firm name.

*Western and eastern Maryland counties.*—In the Cumberland and Cambridge offices of the board of labor and statistics practically the same method of filing employment certificate records is followed as in the Baltimore office. The following differences, however, should be noted. In both branch offices the information slips are filed alphabetically instead of by number, the employment tickets are filed alphabetically according to employer, and the held-up information cards are kept on the issuing officer's desk until the certificates are either issued or definitely refused. In neither office is the evidence of age stamped when it is given back to the child. In the western counties the information cards for children receiving certificates in Frederick and Hagerstown are kept in the offices in those places; all the others are filed in the Cumberland office. In the places other than Frederick and Hagerstown, where the examining physicians grant temporary certificates good until the next visit of the board's representative, brief card records are kept giving the most important data concerning the certificates issued. The county certificate forms, which are used in the Cambridge office, are furnished to the issuing officers in book form, one certificate to a page, and the duplicates are kept in these books. In both the Cumberland and Cambridge offices all the returned certificates are kept in one file, and in the Cambridge office they are not destroyed when new ones are issued.

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<sup>1</sup> Form 8, p. 112.

<sup>2</sup> The Maryland health law requires any physician attending a case of certain specific occupational diseases or of "any other ailment or disease contracted as a result of the nature of the patient's employment" to report the same to the State board of health, which in turn must send the report to the board of labor and statistics. A. C. 1911, vol. 3 (1914), art. 43, sec. 5G.

<sup>3</sup> Form 2, p. 108; form 4, p. 110.

The examining physicians who issue certificates in the eastern counties have no uniform system of filing records. In some offices the information cards, employment tickets, and affidavits are all carefully arranged in separate files, while in others not even the information cards are alphabetically arranged. The duplicate certificates are kept in the books in which they were originally bound. When, as is sometimes the case, the physician makes out a subsequent certificate by writing in the new employer's name on the old certificate, no duplicate is left on file.

## CONCLUSION.

*[For a summary of the important changes in the laws relating to employment certificates, made since the completion of this study, see p. 11.]*

A marked advantage in the enforcement of the laws relating to employment certificates in Maryland lies in the fact that in general they are unusually clear and definite in their application. The employments for which certificates are required are the same everywhere in the State. The establishments and occupations to which the law applies are clearly expressed, and cover practically all employments except domestic service or agricultural work; thus it is possible to require employment certificates for practically all children leaving school to engage in strictly industrial pursuits. Nevertheless, certificates ought to be required for employment in any occupation and also for leaving school at any time, and employment under 14 in any occupation ought to be prohibited.

The large number of dangerous or injurious employments prohibited to children under 16 includes some occupations, notably work on "machines operated by power other than foot or hand power," in which children in many States are still permitted to engage. The requirement that a certificate shall be issued only for the specific occupation stated in the promise of employment theoretically should prevent the issuance of a certificate for work in any of these forbidden occupations. But since statements of promised employment may be made carelessly or even fraudulently, and since children's occupations are so unstandardized that it is difficult for issuing officers to know what actual duties are signified by the name given, it is possible, for instance, to issue a certificate for employment as errand boy to a child whose duties will include running an elevator—an occupation prohibited to children under 18. Nevertheless, in 1916, in Baltimore and the western Maryland counties, 223 certificates, or one certificate to every 55 issued, were refused because

the promises of employment obtained were for illegal occupations.<sup>1</sup> The cooperation of employers in enforcing these prohibitions might be secured more often if the employment ticket contained a statement that the name of the occupation given must show the child's prospective duties and gave a list of those prohibited occupations in which children are most likely to be put to work.

Though the law is to be commended for prohibiting the work of young children in many occupations likely to be injurious, it fixed at the time of this study the decidedly low minimum age of 12 in canning and packing establishments. This age, however, has since been raised to 14.<sup>2</sup>

The fact that a State-wide compulsory-education law exists in Maryland assists in the enforcement of the certificate law by making it possible to supervise children in the years before they can go to work legally and thus to prevent their working illegally at least during school hours. The education law, however, is not of as much value in enforcement as would be the case if it were framed with the definite purpose not only of insuring to children an opportunity for a minimum of education but of so supplementing the child-labor law as to make certain that they do not work during the years when they should be in school.

The law applying to Baltimore City requires a child to attend school until he is 14, but permits him to leave school after that age not only for work for which a certificate is necessary but for domestic service, agricultural work, or "employment at home." The child of 14 or over who wishes to obtain an employment certificate is required by the labor law to complete the fifth grade, but a child who claims need for his services at home or goes into occupations not covered by the certificate law can leave school when he is 14 no matter what his grade. All children leaving school for any reason should be required to have completed the same grade.

The compulsory-education law applying to the counties also fails to supplement the child-labor law, and the fact that its requirements conflict with those of the labor law, as well as with those of the education law in force in Baltimore City, has caused considerable difficulty in enforcement. Because its grade standards for leaving school are higher than those of Baltimore City and higher than the State-wide standards for going to work, and because it requires children 14 years of age, who in Baltimore are allowed to leave school to go to work, to attend school for at least 100 days, the State department of education has yielded to the temptation so to interpret it as actually to lower its standards. The apparent injustice of requiring a child in one part of the State to complete the seventh grade before

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<sup>1</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 101, 113, 133, 135.

<sup>2</sup> Acts of 1918, ch. 495.

he goes to work, while in another part he need complete only the fifth, has led, in the western counties, to a system of substituting evening for day school attendance which makes the actual educational standard for going to work in some cases lower than that of either the labor law or the education law.

In order to secure the efficient administration of either the child-labor law or the education law, the requirements of both must be coordinated, and this should be done not by lowering the higher standard but by raising the lower.

### General administration.

The chief strength of the administration of the employment-certificate system in Maryland lies in the extent to which control of the issuing of certificates has been placed in the hands of one responsible authority, the board of labor and statistics, and in the possibility of further centralization until that one agency issues all the certificates in the State. This extension of control is the direct result of the policy adopted by the officials of the board, in cooperation with the school authorities, after the decentralized system of issuing certificates in the counties had proved unsatisfactory.

Although in Baltimore City, where the majority of licensed children are employed, the board of labor and statistics is made by law the sole certificate-issuing authority, it was apparently contemplated that in the counties certificates would be issued by the school authorities, and that the board would exercise only the limited supervisory powers derived from the requirement that it supply the certificate and record forms, receive reports of certificates issued and refused, and in general enforce the child-labor laws. The board has exercised these rights of supervision over county issuing authorities to the extent of instructing them how to perform their duties and of revoking certificates which are shown to have been improperly issued. It has also, through cooperation with the school authorities, practically appointed many of the examining physicians in the counties. Nevertheless, these powers, even when supplemented by the duty of State-wide factory inspection, in practice enable the board only to detect weaknesses in the system, not to correct them.

Soon after the child-labor law in force at the time of this study went into effect,<sup>1</sup> the State bureau of statistics and information, which at that time exercised the powers now belonging to the board of labor and statistics, realized that the issuance of certificates by county

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<sup>1</sup> This law became effective in December, 1912. Subsequent amendments, including the establishment of a board of labor and statistics replacing the former bureau of statistics and information, have not materially changed its administrative provisions.

school officials was not resulting in effective enforcement of the law. This was due to several causes. First, the school authorities, who already had their time fully occupied, found it difficult to assume the additional duties involved in the issuance of certificates. Second, since in the counties the chief demand for certificates comes during the summer months from children who wish to work in canneries, it often happened that the superintendents were away on their vacations when their services were most needed. Third, the division of responsibility for the issuance of each certificate between the school officials and the examining physicians and the lack of any direct supervision over the large number of issuing officers resulted in the granting of certificates to children who had not met all the requirements of the law.

In an attempt to eliminate these objectionable features, the county school superintendents and the officials of the bureau agreed upon a plan by which the superintendents were to delegate their certificate-issuing powers to the physicians appointed to examine applicants. During 1914, nearly all the certificates issued in the counties were issued by the 86 examining physicians.<sup>1</sup>

This system also proved inadequate. The physicians appointed by the county school superintendents, who had been responsible only for the physical examinations, were now obliged to assume burdensome certificate-issuing duties while their meager remuneration remained the same as before.<sup>2</sup> The chief weakness of the former method—the diffusion of responsibility among a large number of issuing officials acting independently of one another and subject to no effective supervision by a central authority—had not been remedied. It was still evident that in many instances the age, educational, and physical requirements of the law were laxly enforced.

Since a decentralized system of issuing certificates had proved unsatisfactory under both these methods, it was decided to try the experiment of establishing a branch office where certificates would be issued by a representative of the bureau staff under the direct supervision of the bureau. Physical examinations were to be made as before by the physicians appointed by the county boards of education. The county school superintendents and the examining physicians agreed to this plan, as they were glad to be relieved of the responsibility of issuing certificates. In April, 1915, a branch office was established with headquarters in Cumberland. Certificates were to be issued to applicants in Allegany, Frederick, Washington, and Garrett Counties by an agent stationed at this office but traveling at intervals through the district.

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<sup>1</sup> Twenty-third Annual Report of the Bureau of Statistics and Information of Maryland, 1914, p. 142.

<sup>2</sup> They were paid 50 cents for each physical examination made.

A comparison of the results obtained under the system previously in effect in these counties with those obtained under the branch-office system indicates the superiority of the latter. In 1914, when employment certificates were issued by examining physicians appointed by the county school superintendents, the ratio of certificates refused to certificates issued was about 1 to 60; in 1915, when during 9 months of the year certificates were issued by the branch office of the bureau of statistics and information, it was approximately 1 to 3; and in 1916 it was about 1 to  $1\frac{1}{2}$ .<sup>1</sup> This comparison shows clearly that under the direct administration of the certificate law in these counties by a central State authority the standards with which a child is required to comply before he can enter industry are enforced more rigidly than they were under a decentralized system which placed the responsibility of issuing certificates upon examining physicians.

The establishment of a similar branch office of the board in Cambridge in Dorchester County in August, 1916, has already resulted in a better enforcement of the law in that part of the county under its jurisdiction than elsewhere in the eastern counties, where local physicians still issue certificates. The work of this office, however, comprises only about one-sixth of the certificates issued in the eastern counties. It should be extended under a competent administrator who should inaugurate, in all localities where any considerable number of children are granted certificates, the same system of direct issuance by a representative of the board as exists in the western counties. In places too widely scattered to permit of this arrangement, the board officials should visit the issuing officers at regular intervals, give them the necessary instructions, examine their files, and revoke certificates improperly issued.

This extension of the powers of the central authority so as to control the issuing of certificates in the western counties and in Cambridge must be credited to the administrative policy of the board and of the school authorities rather than to legislative enactment. Indeed, the provision in the law which has made this control possible—the granting of the certificate-issuing power in the counties to the State board as well as to the local school authorities—is one that appears on its face to create a duplicate certificate-issuing system with its attendant weakness of decentralization. The improvement in administration resulting from the extension of the issuing powers of the board shows that the law should be amended to give the central agency direct and positive control of the issuance of certificates throughout the State and that sufficient funds should be provided for the exercise of this function.

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<sup>1</sup> Twenty-fourth Annual Report of the Bureau of Statistics and Information of Maryland, 1915, pp. 149, 150, 155, 156; Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 134, 135, 143.

The double powers of issuing certificates and of inspection possessed by the board of labor and statistics make for the more efficient exercise of both functions. The usual regrettable lack of cooperation between issuing officials and factory inspectors is automatically obviated. The procedure necessary in following up a child ordered to obtain a certificate when found illegally employed is simplified, as the inspector makes but one report of the illegal employment, and the central inspection office, since it must issue the certificate, is automatically informed as to whether or not the child applies for one. Moreover, the records of certificates issued and refused kept in the issuing office are often of great assistance in detecting and proving illegal employment. Certificate-issuing officials who are also inspectors or are connected with inspection work are less likely to issue certificates for employment in illegal occupations than if they had no practical knowledge of that part of the law. Even in those parts of the State where the board of labor and statistics does not issue certificates, its inspectors, since they are familiar with the requirements for issuing, are more likely to discover certificates improperly issued than if they had no such knowledge.

Against these advantages in the system of administration must be placed the fact that the staff of the board of labor and statistics is obviously inadequate for the work imposed upon it by law. The administration of the child-labor law in 1916 involved the issuing of over 15,000 certificates and the inspection of establishments in all parts of the State in which at least 13,000 children were employed. It would be difficult for a staff of 15 persons—1 supervising official, 2 issuing officers, 5 clerks, and 7 inspectors—to do this amount of work properly, even with the assistance of the examining physicians. It becomes absolutely impossible for them to do the work properly when, in addition, they must perform the duties of a State arbitration board and a public-employment bureau, must collect and publish statistics, and must enforce the 10-hour law for women and the State law relating to safety and sanitation in factories.<sup>1</sup>

The difficulties in the way of accomplishing a large amount of work with an inadequate force are increased by the fact that in Maryland all officials in the public service are political appointees, who, even should they prove themselves efficient, are always subject to the potential danger that with a change in administration they may be removed from their positions or find it advisable to resign. A statement in a report of the former bureau of statistics and information emphasizes the fact that "unprotected by civil service or any other system that insures not only tenure of office but moral support in the discharge of duty, the administration of the law is constantly exposed to quiet but positive political pressure, often

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<sup>1</sup> See pp. 60, 98, 99.

quite indirect."<sup>1</sup> To achieve the efficient administration of a law it is essential both to select properly trained, impartial officials and to insure the permanency of these officials in office. These requirements can be met only by selecting officials through civil-service examinations carefully prepared and conducted and by guaranteeing a tenure of office based on efficiency.

### Methods of securing certificates.

The lack of a centralized system of issuing certificates throughout the State undoubtedly results in permitting children to go to work without uniform minimum qualifications. In Baltimore City and in those counties where the issuance of certificates is directly under the jurisdiction of the board of labor and statistics, children must in general fulfill the requirements of the law in order to obtain certificates, but where local physicians issue certificates this standard in many instances has not been maintained. It can not be expected that 82 different local issuing physicians, many of them untrained in office procedure and all of them unsupervised except through occasional letters of instruction, will adopt standards of enforcement which will be either uniform or effective. Their time is in most cases occupied fully by the demands of their private practice, and there is a tendency among them to regard the various requirements of the law as mere formalities and to grant certificates to applicants without sufficient investigation of their eligibility. One index of this fact is to be found in the ratio of certificates refused to certificates issued in the different localities. In the eastern counties a much larger proportion of the children secure vacation certificates, for which the educational requirements are lower than for general certificates, than in Baltimore City and the western counties; consequently in making a comparison the number refused because they could not comply with the educational standards should be omitted. With this omission, the ratio of certificates refused to certificates issued in Baltimore City and the western counties was in 1916 approximately 1 to 7½; in the rest of the State it was about 1 to 39½. In other words, the board of labor and statistics refused over five times as many certificates in proportion to the number granted as did the issuing physicians.<sup>2</sup>

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<sup>1</sup> Twenty-third Annual Report of the Bureau of Statistics and Information of Maryland, 1914, p. 7.

<sup>2</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 101, 133, 134, 135, 139, 145, 154, 157, 160. It was necessary to base this comparison on the total number of certificates issued, both original and subsequent, because the numbers of original and subsequent certificates refused are not given separately in the 1916 report. An almost negligible proportion of the certificates refused, however, are subsequents. If the number of original certificates issued is compared with the total number refused, it appears that the board of labor and statistics refused over ten times as many certificates in proportion to the number issued as did the issuing physicians.



In spite of this decentralization, some degree of uniformity in methods has been secured through the use of the prescribed certificate forms everywhere and of the same preliminary forms in most places throughout the State. The uniform use of the prescribed certificate forms and information cards is required by law; that of the preliminary forms is to be attributed to the power given by law to the board to draft them and to the fact that the board has furnished them and as far as possible has insisted upon their use by the local issuing officers. The information card<sup>1</sup> is particularly well planned and arranged so as to give the child's complete industrial history in an easily accessible form. The placing of the schedule for the physical examination on this card obviates the necessity of an extra document—the physician's certificate of health. This schedule is of considerable assistance in the physical examination and makes for uniformity in the examinations given by different physicians. It also makes information as to the child's physical condition easily available when he applies for a subsequent certificate. Sufficient supervision over the issuing of certificates should be maintained to insure that the certificates and information cards are properly made out and that all the material in the offices of the examining physicians is properly filed. While a few of the physicians have their records carefully arranged, others have no knowledge either of methods of filing or of their value.

The issuance of certificates on cannery premises as at present conducted in the eastern counties could hardly be expected to result in enforcement of the legal requirements. The issuing officer goes to the establishment on the day it opens; there are usually no facilities for making physical examinations and few for making records; a large number of certificates are issued in one day; and parents and children have often come long distances and, if they have brought no evidence of age, are not compelled to return home for it even if they have it there. Practically no certificates are refused. After the physician leaves there is no way for future applicants to obtain certificates except by going to the nearest issuing office, often a long distance away, and even when they go there they are as likely as not to find the physician away from home. As a consequence, they generally work without certificates and take their chances of eluding the infrequent visits of the inspector.

Conditions in this respect were somewhat improved by an amendment to the law effective in 1916, which requires children to whom certificates are issued by county issuing officials to obtain them where they reside,<sup>2</sup> instead of either where they reside or where they are

<sup>1</sup> Form 7, p. 111.

<sup>2</sup> A. C. 1911, vol. 3 (1914), art. 100, sec. 12, as amended by Acts of 1916, ch. 222. For the text of this section, see p. 100.

employed, as was previously the case. During the canning season many children living in Baltimore are taken to the counties to work in the canneries, and these children must obtain certificates from the office of the board of labor and statistics before they leave the city.

In many cases the procedure of obtaining certificates would be simplified if children were properly instructed beforehand as to the preliminary steps necessary. Where the requirements of the law are strictly enforced, an applicant frequently has to make two or more visits to the issuing officer, necessitating a delay of one or two days, and sometimes longer, before he can obtain his certificate, whereas if on his first visit he were accompanied by his parent and brought all the proper documents he could ordinarily be granted a certificate immediately. Since the circulation of printed instructions is not sufficient, it might be practicable to have the teacher instruct a child who applies for a school record how to obtain the other requisites for a certificate.

At the Baltimore office, moreover, a child born in Baltimore who does not bring satisfactory evidence of age must wait usually two days, until a reply is received from the office of the city department of health as to whether his birth is registered. This delay would be prevented if as direct and immediate communication could be had with the city as with the State health department. It is asserted that under present conditions this is impossible, since in the Baltimore health office the births are so entered in the books that it is necessary to search for some time to find whether the birth of a child on a specified date is recorded. Reports by telephone are therefore impracticable, and the department is unwilling to be inconvenienced by the frequent calls for records which would result if children were permitted to apply themselves instead of waiting for the answer to the formal written request of the board. It would seem, however, particularly in view of the large proportion of applicants for certificates whose births should be recorded in the office of the Baltimore health department,<sup>1</sup> that facility in securing birth records for children going to work is of sufficient importance to the community to demand such a reorganization of the records as would make possible the prompt and efficient service of the city department of health.

Usually, however, long delays between applying for a certificate and obtaining it are avoided, chiefly by the use of the 10-day temporary certificate issued to children who do not present documentary evidence of age. But this 10-day certificate causes a good deal of extra work for the issuing officers and, unless the children are carefully followed up and every effort is made to obtain additional

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<sup>1</sup> In 1916 nearly three-fourths of all children to whom original certificates were issued in Baltimore were born in Baltimore. Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 102.

evidence, might in practice weaken the enforcement of the legal standards as to evidence of age.

The delay in securing a certificate when physical defects must be corrected or when a child must secure employment in another occupation than that for which he has presented a promise of employment is necessary for the child's protection and can hardly be avoided. Though the custom of securing, on the parent's first visit, the affidavit of age and the certification that no preferred evidence is obtainable, before an attempt is made to secure such evidence, is contrary to the letter of the law, it saves the parent a second visit to the issuing office and, when supplemented by the efforts of the issuing officers to secure documentary evidence, does not frustrate the intent of the law.

The usual comparative simplicity of procedure in securing certificates in places where they are issued by the examining physicians is due to laxness in enforcing the requirements. Sometimes a child may be sent home for a Bible record, and occasionally one may be required to have some defect corrected, but most children are granted certificates the first time they apply.

In Baltimore during the months when the largest number of children apply for certificates, the procedure of issuance is complicated both for the officials and for the child by the fact that the offices of the board are not large enough to accommodate the children who apply.

Since the certificate is issued to a specific employer there seems to be no good reason why it should not be mailed to the employer instead of being given to the child. Its loss by the child would then be impossible. An employer can hardly be blamed for violating the law by sending a certificate back to the office by the child, when the child has brought the certificate to him. Moreover, if the employer were also required to send to the issuing officer a notice of the child's employment, the issuing officer would know whether the child had actually gone to work or whether, as is sometimes the case even when a promise of employment has been obtained, he was merely keeping the certificate in his pocket as an excuse for staying out of school.

The forms drafted by the board of labor and statistics are in general concise and adapted to the purposes for which they are intended.

No effective machinery has been provided for the enforcement of the provision of the law requiring that a new certificate shall be issued to a child when he changes his occupation but not his employer. The natural difficulties involved in enforcing this requirement are intensified by the fact that the section of the law relating to return of certificates says nothing about their return in case of change in the child's occupation, but merely requires that they shall be returned on "termination of the employment." Though a certif-

icate is valid, therefore, solely for employment in the occupation named on its face, the employer is under no injunction to return it when it has lost its validity by reason of a change in the child's occupation, but only when it has lost its validity by reason of termination of employment.<sup>1</sup> Violations of this kind were often discovered by the method formerly used by the bureau of statistics and information of obtaining, when a child applied for a subsequent certificate, a detailed history of his previous employment and a description of his occupation. At the time of this study this detailed information was no longer secured. Nevertheless, the question put to the child as to whether he has worked at any other than the occupation for which the certificate was issued often reveals the fact that the employer has not complied with this provision of the law. Though in such cases the employer is warned that he must not repeat the offense, it is evident that such occasional discoveries of violations after the event fall far short of insuring enforcement of this requirement. In order to insure such enforcement even partially the law must be amended so as to require the return of the certificate when the occupation is changed, and some more effective method than occasional inspections must be devised for supervising children after they go to work.

#### **Evidence of age.**

In specifying birth certificates, baptismal certificates, and passports as preferred kinds of evidence of age in the order named, the law sets a high standard.<sup>2</sup> But the alternative requirement of the physician's certificate of age is not made by any means as good an instrument as it might be for keeping children under legal age from going to work. This is particularly true in the counties where the examining physicians issue certificates. There the certificate of age is usually a mere form, since as a rule no special examination is made for it and the examinations for physical fitness are often not thorough.

Several causes contribute to laxity in enforcement of the evidence of age requirements by most of the physicians issuing certificates in the eastern counties—among them, failure to realize the importance of these requirements, difficulty of securing documentary evidence, and lack of supervision. The acceptance of a parent's statement that he has evidence instead of the evidence itself, and of his statement of the child's age instead of his affidavit; failure to make the physician's certificate of age anything more than a form; failure to try to secure a

<sup>1</sup> A. C. 1911, vol. 8 (1914), art. 100, secs. 11 and 16, both as amended by Acts of 1916, ch. 222. For the text of these sections, see pp. 100, 102.

<sup>2</sup> The law was amended in 1918 to permit the acceptance of specified documentary evidence of age provided a birth or baptismal certificate or passport is not available (see p. 12). The acceptance of such evidence does not lower the standard, and, if careful discretion is used, is desirable because of the difficulty of making the physician's certificate of age effective.

birth record even when there is a possibility that the record might be found in the county registration books; the haste with which certificates issued on cannery premises are granted—all these things combined make it certain that children not infrequently go to work below the legal age. It is true that birth and baptismal certificates are hard to secure,<sup>1</sup> and that the entries in the county birth-registration books are so made that it is difficult to find the record of a child's birth if the physician happened to delay in reporting it. Nevertheless, there is no doubt that if a system of issuing certificates such as that in operation in the western counties were established in the larger centers in the eastern counties, many of the children under age who now obtain certificates would be kept from going to work illegally.

The practice adopted by the officials of the board of labor and statistics of writing directly to the registrar, physician, or other person who is likely to be able to furnish reliable evidence of age instead of depending upon the parent to do this, as the law would permit, is to be commended. It increases the probability that the best evidence possible will be secured, and it prevents the parent or the child from making any attempt to falsify the record. Since the board sometimes fails to secure transcripts of birth certificates from offices outside the State where a fee is charged, because of inability to pay the fee, it should be provided with funds for this purpose.

### Physical requirements.

The chief value of the physical examinations in Maryland lies in the fact that where they are carefully made children decidedly below normal in development<sup>2</sup> are kept from going to work and those with certain minor physical defects—such as impaired vision—which might intensify possible injurious effects of employment upon their health and growth, are not allowed to work until the defects have been remedied. In Baltimore City the value of the examinations is

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<sup>1</sup> Birth registration in the Maryland counties has been improved in recent years, so that in the future birth certificates should be available for more children than has been the case in the past. A better method of recording births than is used at present should be instituted, however, since even when a birth has been recorded the entry is often difficult to find.

<sup>2</sup> It should be noted, however, that the minimum standards of height and weight set by the board (see p. 40) are very low. According to the table of heights and weights of children used by the Children's Bureau in its Children's Year weighing and measuring test, this minimum height is about the average height for a 12-year-old child, and this minimum weight is about 10 pounds below the average weight even for that height. The figures in this table for heights and weights of children from 5 to 16 years of age are quoted from Bowditch (Eighth Annual Report of the State Board of Health of Massachusetts, 1877, p. 275) and are based on the measurements of 23,931 Boston school children of American and foreign parentage (13,415 boys and 10,516 girls). They agree very closely with the table of average American height calculated by Boas from the data of 45,151 boys and 43,298 girls in the cities of Boston, St. Louis, Milwaukee, Worcester, Toronto, and Oakland; and with the table of average American weight calculated from the data of about 68,000 children in the cities of Boston, St. Louis, and Milwaukee. (See Baldwin, B. T., Physical Growth and School Progress, U. S. Bureau of Education Bulletin, 1914, No. 10. Whole No. 581, p. 150.)

increased by the fact that the children whose defects should be corrected are followed up by a nurse from the instructive visiting nurse association.

Under existing conditions, however, the physicians attached to the Baltimore office of the board can not give sufficiently thorough examinations to all children going to work, as they are on duty for only a part of the day and are handicapped by inadequate office facilities, by lack of clerical assistance, and by the fact that they must often examine a large number of children within a limited period. The board should be given the funds to employ both a man and a woman physician for a sufficient number of hours so that every child can be given a thorough physical examination, and to secure assistance in clerical work when necessary. Efficient medical inspection throughout the grades in the city schools, provided the records were utilized, would also make the work of the examining physicians more effective. At present such inspection stops with the fourth grade and the inspecting staff is inadequate.

Where the local physicians issue certificates, the physical examinations are often perfunctory, merely in compliance with the letter of the law; especially is this true when certificates are issued at the canneries, where there are no facilities for such examinations. Even when the certificates are issued by a representative of the board, if the physical examination is made at a cannery, it usually can not be complete and thorough. A large proportion of the certificates issued in the eastern counties are for work in canning and packing establishments, which is popularly considered "easy work." Though 2,967 employment certificates were issued in the eastern counties in 1916, only 17 cases were reported of refusals to grant certificates to children because of physical defects. In Baltimore City and the western Maryland counties during the same year 12,250 certificates were issued, and 319 certificates were refused because of physical defects.<sup>1</sup> It is obviously improbable that working children in those parts of the State where the board of labor and statistics issues certificates differ materially in health or physique from children in the rest of the State. Consequently the fact that one child was refused because of physical defects for every 38 children granted certificates in Baltimore and the western counties, while in the eastern counties the ratio of certificates refused to certificates granted was 1 to 175, indicates the superficial nature of the examinations given by many of the issuing physicians.

The standard of these examinations can be improved only by the adoption of a uniform procedure for making them and of a system

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<sup>1</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 101, 113, 134, 135, 154, 160.

of supervision capable of insuring that this procedure will always be followed. One step toward this end has been taken by requiring the issuing officers to use the information card,<sup>1</sup> which contains a list of the points to be covered in the examination. But this will be of little value as long as in many instances the physician takes the child's word as to his physical condition or depends upon the child's appearance or his own general knowledge of the children in his community to guide him in determining whether he shall certify to the child's physical fitness to go to work.

The provision requiring that the examination show the child to be physically fit for the specific occupation in which he is to engage is difficult of enforcement for three reasons: First, the examining physicians are not sufficiently familiar with the technique of different industrial processes and with their effect upon the health and physical development of young persons; in fact, little or no reliable data of this kind are in existence. Second, it has not always been possible to ascertain from the employer's statement of the occupation for which he desires to engage a child, in exactly what process or processes that child actually will be employed. In questioning children who applied for subsequent certificates concerning the previous occupations in which they had engaged, the officials of the former bureau of statistics and information found frequently that children who had been licensed to work at the same occupation but in different establishments did not actually engage in the same process. They discovered that "errand boy," "floor boy," and "helper" were terms commonly used to cover numerous other occupations varying from light and harmless employments to running an elevator, tending dangerous machinery, or engaging in other hazardous occupations forbidden by law.<sup>2</sup> Third, in order that a child may be pronounced physically fit for each particular occupation in which he wishes to engage, a new physical examination should be given whenever he changes his occupation even though he does not change his employer. But because the child seldom applies for a new certificate in such cases, and because the issuing officials seldom know of such a transfer within an establishment unless a child does so apply, a new examination is rarely given in these cases.

Nevertheless, in spite of these difficulties, examining physicians have refused in a few instances to grant children certificates to work at specific occupations, and have been able to prevent them from reentering occupations which have proved harmful and to direct them to employments for which their health or physique is better adapted. In Baltimore City in 1915 the bureau physicians required 90, or about 1 per cent, of the applicants for certificates to secure

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<sup>1</sup> Form 5, p. 116.

<sup>2</sup> Twenty-fourth Annual Report of the Bureau of Statistics and Information of Maryland, 1915, p. 11.

employment in occupations for which they were better fitted physically than those in which they had specified their intention of engaging.<sup>1</sup> And even though the examining physicians have not been able to enforce this provision to its full extent, they have by their very inability demonstrated clearly the need for the collection of such fundamental data as would make it effective.

The fact, moreover, that a new examination is required for each subsequent certificate greatly increases the value of the provision requiring physical examinations, since defects often develop after a child goes to work. When this requirement is enforced, as in most cases where the board of labor and statistics issues certificates, the same health precautions are taken when a child changes from one employment to another as were taken before the first certificate was granted. The Baltimore physicians take advantage of this opportunity to detect injurious effects of occupations upon children. For instance, it has been found that some children acquire serious throat affections in factories using bronze or brass in the process of manufacture.<sup>2</sup> Among the applicants for subsequent certificates in 1915 the bureau physicians reported 18 cases of occupational disease, 10 due to fatigue, 3 to organic and inorganic dust and heated atmosphere, 4 to metallic poisons or fumes, and 1 to low temperature.<sup>3</sup>

This examination might be made a very effective means of securing information which would make it possible to determine, as the law requires, whether a child is physically fitted for the specific occupation in which he is to engage, since details as to exactly what were the child's duties in his previous occupation could be obtained and the physical examination made with especial reference to the effects of that work. The former bureau of statistics and information made a beginning of collecting data as to children's occupations in this way, but the board of labor and statistics has not continued this practice. Until detailed knowledge is obtained concerning the technique of industrial processes and the effect of specific occupations upon child workers, and until employers are required to describe in detail and in uniform terminology the nature of the occupations in which applicants for employment certificates are to engage, the examining physician should be certain before permitting a child to go to work at all that he is physically able to work in any occupation in which he may legally engage.

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<sup>1</sup> Twenty-fourth Annual Report of the Bureau of Statistics and Information of Maryland, 1915, pp. 45, 60. Corresponding data for 1916 are not available, but these figures may be considered representative.

<sup>2</sup> Travers, Dr. J. C.: "Some physical effects of industry upon the working children of Maryland," in Maryland Medical Journal (March, 1914), pp. 59-64.

<sup>3</sup> Twenty-fourth Annual Report of the Bureau of Statistics and Information of Maryland, 1915, pp. 98-100. Persons under 16 years of age recorded in these occupational-disease tables were reported by the bureau physicians. No cases were reported in 1916.



This requirement of a new examination for each certificate issued makes it possible to protect to a certain extent the health of the child at work, but the amount of this protection varies inversely with the length of time he stays in one job. And the child who does not secure a subsequent certificate before he reaches his sixteenth birthday receives no such protection. A better method might be to require periodical physical examinations of all children after they have received certificates without regard to whether they change employments.

### **Educational requirements.**

When the fulfillment of the fifth grade requirement for obtaining a general certificate is proved only by the school record, as is usually the case, and as was apparently contemplated by the law, a uniform standard is fixed only in so far as the work of the schools is standardized. The only study in which the school record shows any definite degree of proficiency is arithmetic. In Baltimore City the same outline of studies is followed in all public schools, but promotions from one grade to another are at the discretion of the individual teachers, no uniform examinations being prescribed. By providing, however, that the issuing officer "approve" the preliminary papers (including the school record) the law gives an opportunity to test the applicants' educational qualifications. This is done in some instances in Baltimore City by giving a test in simple operations in arithmetic to children from private or parochial schools who have not completed the eighth grade. The fact that in 1916, 79 original general certificates, or about 1 such certificate to every 46 issued, were refused because the applicants were unable to pass this simple test,<sup>1</sup> shows that there is need for some system of standardization of requirements for obtaining a school record. In order to make this provision actually effective in allowing only children of certain minimum educational qualifications to leave school for work, the passing of uniform examinations should be required.

In the counties the seventh grade standard for leaving school should automatically secure the enforcement of the fifth grade standard for obtaining a general certificate, particularly since each county board of education prescribes uniform examinations for all schools in its county. In the western counties, however, the substitution of evening school classes in place of day school classes for children who have not passed the seventh grade has actually lowered in many instances the educational standard required of children leaving school to go to work. Under this arrangement children who

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<sup>1</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, pp. 101, 113.

have not passed even the fifth grade have secured certificates which, though called "vacation" certificates, permit them to work throughout the year without attending day school. Though these classes are under the supervision of the county school authorities, a course of study of two hours an evening from three to five evenings a week can not in any sense be considered a substitute for the classes of the regular full-time day school. After eight hours of work, moreover, a child needs the evening for rest and recreation, and is not in proper physical or mental condition for classroom instruction. This substitution of evening for daytime instruction is defended<sup>1</sup> on the ground that it is an emergency measure, for use during the transitional period while the new compulsory-education law is going into effect, in dealing with children over 14 who have received little elementary education.

In the eastern counties children who secure general certificates are supposed to fulfill the seventh grade requirement by day-school attendance, but since the presentation of school records is sometimes not required by the issuing physicians, it is possible for children without even a fifth grade education to secure certificates and go to work. Comparatively few general certificates are issued, but there is a further danger of children working while schools are in session without the required grade qualification because it is possible for children to work practically the year through on vacation certificates in places where the school-attendance law is not rigidly enforced and where establishments are not frequently inspected.

No attention is paid to the second educational requisite for obtaining a general certificate—the fulfillment during some year after the child's thirteenth birthday of the school attendance prescribed by law. It is true that this requirement would be complied with if the education law were rigidly enforced, but the fact should be definitely certified on the school record, and issuing officers should be careful to see that this provision is enforced.

The law intends that no child shall go to work at any time in a regulated occupation unless he can at least read intelligently and write legibly simple sentences in the English language. The necessary grade qualification keeps children without this ability from securing general certificates for work during school hours, but the literacy tests given for vacation certificates fail to insure the fulfillment of this requirement. The test given in the Baltimore and the Cambridge offices of the board, consisting of the child's signature and the writing of a simple sentence which is the same for all applicants, is wholly inadequate to determine whether the applicant is as proficient as the law requires. And the mere securing of the child's

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<sup>1</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 131. Prior to 1916, a compulsory education law was in force in only one of the four western Maryland counties.

signature, as is the practice in the western counties and in the eastern counties where the examining physicians issue certificates, can hardly be called a literacy test in any sense of the word.

The only possible justification for fixing by law a lower educational requirement for a vacation than for a general certificate, is the presumption that a child while working under a vacation certificate is losing none of the opportunities for school training which the community offers. But in Maryland this is not true; for, since the State child-labor law permits employment on a vacation certificate at any time when the child is not required to attend school and since the county education law requires full-time attendance of all children only up to the age of 13 years, many children in the counties are at work on "vacation" certificates when they might be attending school. It is true that conditions in this respect are much better under the new State-wide education law effective in 1916 than they were formerly when in many of the counties there was no compulsory-education law at all and when a vacation certificate, for which at that time not even literacy was required, permitted employment at any time. Nevertheless even under the new law children 13 years of age and over who are barely literate may legally work during all but 100 days of the school year. As the time lost is usually at the beginning and again at the end of the school year, it is obvious that the value of the school course is decidedly lessened both for the children who are irregular in attendance and for the regular attendants whose classes must inevitably be adjusted to a certain extent to accommodate children who have not kept up with the course.

The waiving of the educational requirements in giving temporary certificates to Baltimore children adjudged mentally defective without requiring completion of the fifth grade was, at the time of this study, clearly extra legal, as the law did not exempt such children. Since then, however, the law has been amended to authorize the issuance of temporary certificates to boys of this class.<sup>1</sup>

### **Enforcement.**

The establishment of a State-wide compulsory education law in Maryland in 1916 in place of the law formerly applying only to Baltimore City and certain of the counties has caused a decided advance in the enforcement of the child-labor law in many parts of the State. Without the supervision of children before and at the time of going to work made possible by such a law, it is practically impossible to keep them from being employed illegally. Nevertheless, the lack of uniformity between the provisions in force in the counties and those in force in Baltimore City leads to serious difficulties in enforcement.

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<sup>1</sup> Acts of 1918, ch. 495.

The methods used by the attendance officers in Baltimore City to follow up children who are reported absent are careful and, in general, effective. The force of 13 attendance officers (including the chief) is not, however, large enough to keep track of the 80,000 or 90,000 children attending the city schools. The law gives the board of school commissioners power to appoint 18 attendance officers in addition to the chief,<sup>1</sup> and at least this number is required to do effectively the necessary follow-up work.

Many of the Baltimore private and parochial schools report their absentees to the attendance department as regularly as do the public schools, but as long as all schools do not so report, some children who leave school illegally will inevitably escape detection by the attendance officers. Reports of children transferred from one city school to another should also be made by private and parochial as well as by public schools.

In the counties the fact that the law requires only 100 days' attendance during the school year makes the work of the attendance officer much more difficult than it would be if children of school age had to be in school during the entire session. Moreover, the monthly report of children absent for more than three days during the month, which is the only notification of absentees received by some of the attendance officers, is not sufficient. The "urgent" form employed in some of the counties to report cases of absence for immediate investigation should be used everywhere, and the other forms drafted by the State department of education which have been found of value should be furnished to all attendance officers. In fact, all forms needed for enforcement should be furnished as well as drafted by the State board, and the law should make their use compulsory. The work of the attendance officer would not then be hampered by the inability or disinclination of a county board to furnish these forms, and each county could be given the benefit of the experience of all the others. In the counties, too, all transfers should be reported immediately to the proper attendance department or officer, instead of leaving the discovery of the child, if he does not enter the school to which he is sent, to chance information gleaned by the attendance officer or to the next school census.

Difficulties in keeping children in school in the counties are also caused by the fact that each attendance officer has so large a territory to cover that all absentees can not be investigated immediately and many of them can never be investigated in person. The officers who are furnished automobiles by their county boards can, of course, do better work than those with only a horse and buggy at their disposal for traveling long distances.

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<sup>1</sup> A. C. 1911, vol. 3 (1914), art. 77, sec. 156, as amended by Acts of 1916, ch. 506. For the text of this section, see p. 96.

The use of the census by the Baltimore school-attendance department in checking up school enrollment aids materially in enforcing the law. It would further aid in the discovery of children illegally employed if the board of labor and statistics checked the names of children recorded by the census as at work with their cards for children to whom certificates have been issued. The Baltimore school census form is defective, however, in that it calls for the age of the child and not the date of birth, because parents often give the age at the child's next birthday instead of his completed age at the time of the enumeration. In the counties the school census, which is to be taken first in 1918, though only biennial, may be made an effective assistance in enforcing the education law.

In Baltimore City and the western counties the system of reports between the schools and the board of labor and statistics concerning applicants for certificates makes the break between the child's school life and his industrial life usually much shorter than it is in States where there is no such cooperation between school and certificate-issuing authorities. As the reports are now made, however, it is possible in many instances for children to leave school and not go to work immediately. In Baltimore City, moreover, the names of all children who apply to the board of labor and statistics for certificates, even though they appear with none of the requisites, should be at least recorded and sent to the attendance department, though it might not be necessary to keep a permanent record of them in the office. Because this is not done, newcomers to the city, in some cases, may apply for certificates, and not being enrolled in any school may drift into industry illegally, subject only to the chance of detection by an inspector or to accidental discovery by an attendance officer.

Though many of the Baltimore schools refuse to issue a school record to a child who has not secured a promise of employment, this procedure is not always followed. If the law were so amended as to require a child to present a promise of employment and evidence of age before he is entitled to a school record, the break between school life and industrial life would be shortened, if not prevented, in many instances. School authorities should not pass definitely upon the legality of these papers, but they should be instructed as to what are legal occupations for children under 16.

Teachers and principals, in fact, should become familiar with all requirements of the child-labor law. It ought not to be possible, as happened in one instance, for an employer when accused by an inspector of employing a child illegally to produce a letter from the child's teacher stating that a certificate was not necessary for employment during vacation. Many of the teachers throughout the State do understand the requirements for obtaining a certificate and

cooperate fully with the labor officials, but this understanding and cooperation must be more general in order to insure the effective enforcement of the law. This is particularly necessary under a system of administration which places the control of the child at school and of the child at work in the hands of two separate agencies.

In the eastern counties, however, the need for this cooperation is most evident. There the attendance officer usually does not know when a child has gone to work until she visits his home after he has been reported absent from school, and does not know whether he has a certificate until she inspects the establishment where he is said to be employed. The fact that the issuing of certificates—except in Cambridge—is in the hands of private individuals who, though acting theoretically under the control of the local school superintendents, work practically almost without supervision, intensifies the separation between attendance and issuing officers. It might at first appear that this matter is not of much importance in the eastern counties because so few general certificates are issued there, but since a vacation certificate in the counties permits employment during all but 100 days of the school term, cooperation between teachers and issuing officers is needed in connection with the issuance of vacation certificates as much as in the issuance of general certificates. If a child is to be allowed to work at all during the school term, a school record certifying that he has attended the required number of days and countersigned by the attendance officer should be a prerequisite for a certificate.

The education law in force in Baltimore City allows the school system to lose track of children who though they have reached the age of 14 are not legally exempted from attendance, because it permits a child who claims need for his services at home or who goes into occupations for which a certificate is not required to leave school without a certificate as soon as he is 14. As there is no definite supervision of such a child after the visit of the attendance officer when he first leaves school, he may stay away nominally at home or at work in an unsupervised occupation, but actually loafing, looking for a job, or working illegally, thus losing the educational training that the law intends he shall have. All children leaving school for any reason should be required to obtain certificates, and children supposed to be working at home should be visited at intervals by the attendance officers.

Although the provision of the law requiring the return of certificates is intended to make it possible to put back into school without delay children who have secured certificates but who are temporarily unemployed, it is not effectively used for this purpose except in the western counties. In Baltimore City, when certificates are returned within the legal time, unemployed children might be dis-

covered and put back in school before they have been out of work more than six weeks. But in the eastern counties, both because the law requiring the return of certificates is often not enforced and because even when they are returned attendance officers are not informed, no method exists of sending unemployed children back to school. In any case, however, the school system makes no proper provision for the special needs of such children.

The delay of 15 days permitted by law before the employer must return the certificate appears to be too long. After two weeks the employer has forgotten about the child and is likely to neglect altogether to return the certificate. Moreover, until attendance officers receive more promptly the names of children who are out of work, little progress can be made in the attempt to put them in school.

The outstanding difficulty in the way of inspecting establishments with sufficient frequency and thoroughness to prevent illegal employment of children is the lack of enough properly trained inspectors to do the work—a lack due directly to an insufficient appropriation and to the absence of the requisite standards for appointment to the office of inspector.

The procedure which inspectors are instructed to follow is careful, and if their work were in all cases thoroughly supervised would probably be as well carried out as possible considering the number of establishments to be visited. As has been seen, however, lack of centralized supervision leads to differences in methods which result in uneven and irregular enforcement of the law. When, for example, an inspector fails to consider illegal the employment of a child in one establishment on a certificate issued for work in another, and when he fails to consult the employer's files unless he happens to see a child who appears to be under legal age or unless he doubts a child's word that he has a certificate, it is certain that children will work illegally without being discovered. Wherever inspectors are left to conduct their work without adequate supervision, the actual procedure inevitably depends more or less upon the personal characteristics of the inspector, and, though sometimes it may be even better than that prescribed by the central authority, it is likely in most cases to fall far short of the standard. Even when the isolated inspector is both conscientious and energetic he has not the opportunities to study and develop the best methods of inspection. Such a situation as exists in Maryland can be remedied only by the appointment of well-trained officials and by the grant of sufficient funds to the enforcing board so that the work of inspectors in all parts of the State can be effectively supervised.

Even when the instructions are carefully followed, the procedure can not result in the discovery of all violations. Too little use is made for identification purposes of the data on the certificate—par-

ticularly the child's signature. Difficulty in enforcement also arises from the fact that the law does not require employers to file for all minors over 16 statements of age such as the board issues upon request. In cases where the inspector doubts the child's statement that he is over 16, however, the reference to the office files of the board often helps in proving illegal employment. Another difficulty in the eastern counties is due to the failure of the physicians in many cases to make out the certificates legibly.

The legal provision for enforcement through prosecution and the imposition of penalties has thus far been of little value in the administration of the law because of difficulty in securing convictions. Chiefly for this reason the board has adopted the extremely lenient policy shown by a comparison of the number of violations discovered by inspectors in 1916 with the number of prosecutions. In that year 557 violations were reported in 286 establishments throughout the State, but prosecutions were instituted against only 13 or approximately 4 per cent of the employers, employing 44 or approximately 8 per cent of the children found working illegally. Even when convictions are secured, the actual fines imposed are considerably lower than the very low maximum of \$10 fixed by law, varying in 1916 (except in one instance) from \$1.45 to \$6.70 for each employer.<sup>1</sup>

### Summary.

The certificate law of Maryland requires as adequate proof as is now practicable that a child going to work is of legal age; fixes, for a child permitted to work throughout the entire year, an educational standard which, though low, is as high as that of many other States; and, by providing for physical examinations both when a child first enters industry and whenever he changes from one occupation to another, demands that he be safeguarded from working in occupations for which he is not physically fitted. This last provision, together with that requiring the issuance of a new certificate for each new occupation, upon which it rests, insures for at least those children who change employers before they become 16 a degree of supervision after they enter industry.

In those places where the officials of the board of labor and statistics have direct supervision, they have, in general, been able to maintain uniform standards and to insist upon the fulfillment of the requirements of the law before granting certificates. But the legal safeguards frequently fail to protect children in the eastern counties, where the law is often so laxly enforced that a child can go to work

<sup>1</sup> Twenty-fifth Annual Report of the Maryland State Board of Labor and Statistics, 1916, p. 171. Data in regard to prosecutions were furnished by the board of labor and statistics.



with no proof of age except his parent's affidavit or even his mere statement; where he can work legally during all but 100 days of the school term if he is barely able to read and write; and where he often receives only a perfunctory physical examination.

The most important changes needed in Maryland to bring about better protection of working children are (1) issuance of all certificates throughout the State under such direct supervision by the board of labor and statistics as will insure the strict enforcement of the age, educational, and physical standards set by law; (2) uniformity throughout the State in school-attendance requirements for children of school age and in educational standards for leaving school; (3) cooperation between the certificate-issuing officials and the school authorities in the eastern counties; (4) appointment of a larger number of inspectors and certificate-issuing officials; (5) provisions for insuring their competency; and (6) adequate support of both the child-labor and the compulsory-education laws by all the magistrates before whom prosecutions are brought.



## APPENDIX.

### LAWS RELATING TO EMPLOYMENT CERTIFICATES.

*Note.*—[The duties and powers relating to the enforcement of labor laws previously exercised by the bureau of statistics and information were transferred by chapter 406 of the Acts of 1916 to the board of labor and statistics. The new enforcing authority is indicated by an insertion in brackets in the text, the former enforcing power being omitted.]

#### ALL REGULATED OCCUPATIONS.

##### ENFORCEMENT.

*Duties and powers of inspectors.*—The [chairman of the board of labor and statistics], or his assistant, or any inspector, shall have authority to enter any room in any tenement or dwelling house, workshop, manufacturing establishment, mill, factory or place where any goods are manufactured, for the purpose of inspection. The person, firm or corporation owning or controlling or managing such places shall furnish access to and information in regard to such places to the said [chairman of the board of labor and statistics] or his deputies at any and all reasonable times while work is being carried on. [A. C. 1911, vol. 3 (1914), art. 27, sec. 273.]

*Penalty for hindering inspector.*—Any person, firm or corporation who \* \* \* shall refuse to give such information and access to the [chairman of the board of labor and statistics] or his deputies \* \* \* shall, upon conviction in any court of competent jurisdiction, be fined not less than five dollars nor more than one hundred dollars, or imprisonment [imprisoned] not less than ten days nor more than one year, or both, in the discretion of the court, such fines to be collected as all fines are collected by law. [A. C. 1911, vol. 3 (1914), art. 27, sec. 275.]

#### EDUCATIONAL REQUIREMENTS.

##### SCHOOL CENSUS.

*Rules and forms for taking biennial school census of children between 6 and 18, inclusive, in counties to be prescribed by State board of education.*—The State board of education shall prescribe, with and on the advice of the State superintendent of schools, the rules and regulations for taking a biennial school census of all children within the State [this refers to the counties only] between six and eighteen years of age, inclusive; also the forms and blanks to be employed in taking such census and in compiling the reports thereon. [A. C. 1911, vol. 3 (1914), art. 77, sec. 12F, as added by Acts of 1916, ch. 506.]

*Taking of school census in counties to be under the direction of the State superintendent of schools; power of State superintendent to cause Baltimore or county school census to be retaken.*—The State superintendent of schools, subject to the rules and regulations of the State board of education, shall direct the taking of a biennial school census of all the children in the State [this refers to the counties only] between the ages of 6 and 18 years inclusive, to be taken first in the year 1918, and every two years thereafter, and he may cause the whole or any part of the school census of the city of Baltimore or of any county to be retaken at any time, if, in his judgment, the whole or any part of such census has not been properly or correctly taken. [A. C. 1911, vol. 3 (1914), art. 77, sec. 21B, as added by Acts of 1916, ch. 506.]

*County boards of education to take school census in counties.*—The county board of education shall, subject to the direction of the State superintendent of

schools and to the rules and regulations of the State board of education, cause to be taken, under the direction of the county superintendent, a biennial school census of the children of the county between the ages of six and eighteen years inclusive, to be taken first in the year 1918, and every two years thereafter; and the county superintendent shall cause, upon the direction, at any time, of the State superintendent of schools, the whole or any part of any school census of his county to be retaken. [A. C. 1911, vol. 3 (1914), art. 77, sec. 25M, as added by Acts of 1916, ch. 506.]

#### COMPULSORY SCHOOL ATTENDANCE.

*Children from 8 to 14 in Baltimore; from 14 to 16 if not regularly employed; exceptions.*—Every child residing in Baltimore City between eight and fourteen years of age shall attend some [day] school regularly as defined in section 100 of this subtitle [secs. 153-172], during the entire period of each year, the public day schools in said city in which said child resides are in session, unless it can be shown that the child is elsewhere receiving regularly thorough instruction during said period in the studies usually taught in the said public schools to children of the same age: *Provided*, That the superintendent or principal of any school, or person or persons duly authorized by said superintendent or principal may excuse cases of necessary absence among its enrolled pupils: *And provided further*, That the provisions of this section shall not apply to a child whose mental or physical condition is such as to render its instruction as above described inexpedient or impracticable. Every person having under his control a child between eight and fourteen years of age shall cause such child to attend school or receive instruction as required by this section [;] children over fourteen years of age and under the age of sixteen years;<sup>1</sup> and every person having under his control such a child shall be subject to the requirements of this section, unless [such] children are regularly and lawfully employed to labor at home or elsewhere. [A. C. 1911, vol. 3 (1914), art. 77, sec. 153.]

*Penalty.*—Any person who has a child under his control and who fails to comply with any of the provisions of the preceding sections 153 and 153A [162], shall be deemed guilty of a misdemeanor and be fined not exceeding five dollars for each offense. [A. C. 1911, vol. 3 (1914), art. 77, sec. 154.]

*Employing during school hours, etc., prohibited; penalty.*—Any person who induces or attempts to induce any child to absent himself unlawfully from school, or employs or harbors while school is in session any child absent unlawfully from school shall be deemed guilty of a misdemeanor, and be fined not more than fifty dollars. [A. C. 1911, vol. 3 (1914), art. 77, sec. 155.]

*Enforcement: appointment of attendance officers.*—The board of school commissioners of Baltimore City shall appoint, and may remove at pleasure, one chief attendance officer, male or female; and in addition they may appoint and may remove at pleasure, such number of attendance officers, male or female, not exceeding eighteen, as they may deem proper. The compensation of such officers shall be fixed and paid by the mayor and city council of Baltimore. The county board of education of each of the several counties shall appoint, with the approval of the county superintendent, and may remove at pleasure, with the approval of the county superintendent, at least one attendance officer, male or female, who shall give his or her entire time to the duties of the office; and such additional attendance officers may be appointed as the county board of education may deem necessary. [A. C. 1911, vol. 3 (1914), art. 77, sec. 156, as amended by Acts of 1916, ch. 506.]

*Enforcement: duties and powers of attendance officers.*—It shall be the duty of each attendance officer, and said officer shall have full power, within the city or county for which he or she may be appointed, to arrest without warrant any child between eight and sixteen years of age found away from his home, and who is a truant from school, or who fails to attend school in accordance with the provision of this subtitle [secs. 153-172]. The said officer shall forthwith deliver a child so arrested either to the custody of a person in parental relation to the child or to the teacher from whose school such a child is then a truant \* \* \*. The attendance officer shall promptly report every such arrest to the school commissioners of the said city or county, respectively, or to such person or persons as they may direct. [A. C. 1911, vol. 3 (1914), art. 77, sec. 157.]

<sup>1</sup> This semicolon should apparently be omitted and a comma inserted.

## SCHOOL CENSUS IN BALTIMORE.

*Enumeration of children from 6 to 18, inclusive; penalty for withholding information or making false statements.*—It shall be the duty of the police commissioners of Baltimore City, between the tenth and thirtieth day of November of each year, to cause a census, as nearly as possible accurate, to be made by members of the force under their command, of every child from six to eighteen years of age, inclusive, resident in the said city. The said police commissioners shall, for the purpose of taking said census divide the city into such posts, districts, or other subdivisions as they shall determine. The said census shall give the full name, address, age, color, sex and place of birth of each child, the school attended, or if not at school, his employment or that he is not employed, and the place of birth of each parent of said child, and the full and complete records of said census shall be furnished by said police commissioners to the board of school commissioners of Baltimore City on or before the tenth day of December in each and every year. Whosoever has under his control a child between said ages and withholds information in his possession from any office demanding it relating to the items aforesaid, or makes any false statement in regard to the same, shall be deemed guilty of a misdemeanor and be fined not more than twenty dollars. [A. C. 1911, vol. 3 (1914), art. 77, sec. 159.]

*Enforcement: duties of teachers, etc.*—It shall be the duty of the principal or head teacher of every public or private school in this State to report immediately to the school commissioners of the county, where such school is located, or of Baltimore City if located therein, or to an attendance officer or other official designated by such commissioners, the names of all children enrolled in his or her school who have been absent or irregular in attendance three days or their equivalent without lawful excuse within a period of eight consecutive weeks. [A. C. 1911, vol. 3 (1914), art. 77, sec. 160.]

## COMPULSORY SCHOOL ATTENDANCE.

*Children in counties from 7 to 13 to attend entire session; children 13 and 14, and children 15 and 16 who have not completed elementary school, to attend at least 100 days, and the entire session if not lawfully employed; exceptions; penalty.*—Every child, residing in any county of the State being seven years of age, and under thirteen years of age, shall attend some public school during the entire period of each year that the public schools of the county are in session; unless it can be shown to the county superintendent of schools that such a child is elsewhere receiving regular and thorough instruction during such period in the studies usually taught in the public schools of the county to children of the same age: *Provided*, That the superintendent or principal of any school, or persons duly authorized by such superintendent, may excuse cases of necessary and legal absence among such enrolled pupils: *And provided further*, That the provisions of this section shall not apply to children whose mental or physical condition is such as to render the instruction above described inexpedient or impracticable. Every person having under his control a child seven years of age and under thirteen years of age, shall cause such child to attend school or receive instruction as required by this section. Every child, residing in any county of the State, being thirteen years of age or fourteen years of age, shall attend some public school not less than one hundred days, as nearly consecutive as possible, beginning not later than November first, during the period of each year that the public schools of the county are in session, and such child shall attend some public school the entire period of each year that the public schools of the county are in session, if not regularly and lawfully employed to labor at home or elsewhere, unless it can be shown to the county superintendent of schools that such a child is elsewhere receiving regular and thorough instruction for such period in the studies usually taught in the public schools of the county to children of these ages: *Provided*, That the provisions of this section shall not apply to children whose mental and physical condition is such as to render the instruction above described inexpedient or impracticable. Every person having under his control a child thirteen years of age or fourteen years of age, shall cause such child to attend school or receive instruction as required by this section. Every child residing in any county of the State, being fifteen years of age or sixteen years of age, who has not completed the work of the public elementary school, shall attend

some public school not less than one hundred days, as nearly consecutive as possible, beginning not later than November first, during the period of each year the public schools of the county are in session; and such child shall attend some public school the entire period of each year the public schools of the county are in session, if not regularly and lawfully employed to labor at home or elsewhere, unless it can be shown to the county superintendent of schools that such child is elsewhere receiving regular and thorough instruction for said period in the studies usually taught in the public schools of the county to children of these ages: *Provided*, That the provisions of this section shall not apply to children whose mental and physical condition is such as to render the instruction above described inexpedient or impracticable. Every person having under his control a child fifteen years of age, or sixteen years of age, shall cause such child to attend school or receive instruction as required by this section. Any person who has a child under his control and who fails to comply with any of the provisions of this section, shall be guilty of a misdemeanor, and shall be fined not exceeding five dollars for each offense. [A. C. 1911, vol. 3 (1914), art. 77, sec. 162, as amended by Acts of 1913, ch. 506.]

### REGULATED OCCUPATIONS.

#### ENFORCEMENT.

*Powers of attendance officers.*—Attendance officers may visit all establishments where minors are employed in their several cities and counties, and ascertain whether any minors are employed therein contrary to law. Attendance officers may require that the certificates provided for in article 100 of the code of public general laws of Maryland [A. C. 1911, vol. 3 (1914), art. 100] relating to minors employed in such establishments shall be produced for inspection. [A. C. 1911, vol. 3 (1914), art. 77, sec. 166.]

*Penalty.*—Any person violating any provisions of this subtitle [secs. 153-172] where no special provision as to the penalty for such violation is made shall be deemed guilty of a misdemeanor, and be fined not exceeding fifty dollars for each offense. [A. C. 1911, vol. 3 (1914), art. 77, sec. 167.]

### ALL REGULATED OCCUPATIONS.

#### ENFORCEMENT.

*State board of labor and statistics established; powers and duties.*—A commission is hereby created which shall be known as the State board of labor and statistics, to be composed of three commissioners. Immediately upon the taking effect of this act, the governor shall appoint such commissioners \* \* \*. The governor may at any time remove any commissioner from office for inefficiency, neglect of duty or malfeasance in office. The governor shall designate one of said commissioners to be the chairman of the board. The other two commissioners shall be known as advisory members of the board. A majority of the members of the board shall constitute a quorum for the transaction of all business. The salary of the chairman shall be two thousand five hundred dollars (\$2,500) per annum, and the salary of each of the advisory members of the board shall be five hundred (\$500) per annum. The said board shall be allowed for actual and necessary expenses incurred in the discharge of its duties. Upon the appointment and qualification of the said State board of labor and statistics, the bureau of statistics and information, and the chief of the industrial bureau [chief of the bureau of statistics and information], shall be abolished, and all of the powers and duties conferred by this article, or by any other law or laws of this State, upon the said bureau, or its chief, shall thereupon be transferred to and imposed and devolved upon the State board of labor and statistics hereby created, together with all records, documents, papers, monies and all property and things of or appertaining to said bureau of statistics and information, and its chief, all in like manner and with the same effect and to the same extent as if the said State board of labor and statistics had been originally named in this article, or in said law or laws, as the body upon which said powers and duties were conferred. The State board of labor and statistics is authorized and empowered to appoint or employ such deputies, inspectors, assistants and employees of every kind as may be necessary for the performance of the duties

new or hereafter imposed upon it by this or any other law: *Provided however*, That such appointments and employments, and the compensation to be allowed therefor, shall in each and every case be subject to the approval of the governor. [A. C. 1911, vol. 2 (1911), art. 89, sec. 1, as amended by Acts of 1916, ch. 406.]

*Appropriation.*—The sum of eleven thousand, six hundred and sixty-six dollars and sixty-six cents (\$11,666.66) for the portion of the present fiscal year intervening between the first day of June, 1916, and the first day of October, 1916, and the sum of thirty-five thousand dollars (\$35,000) annually for the fiscal years ending September 30, 1917, and September 30, 1918, respectively, or so much thereof as may be necessary annually for the maintenance of the State board of labor and statistics, and the performance of the duties placed upon it by existing law or laws, or by any law or laws passed at the present session of the general assembly of Maryland, and by all laws hereafter to be passed and the payment of the salaries and expenses of said board and its officers, deputies, assistants, inspectors, and employees, is hereby appropriated, and shall be payable on the order or orders of the said board from time to time, as in law provided \* \* \*. [A. C. 1911, vol. 2 (1911), art. 89, sec. 14, as added by Acts of 1916, ch. 406.]

[Chapter 406 of the Acts of 1916 also confers upon the board of labor and statistics all the other duties and powers of the former bureau of statistics and information, which included the enforcement of the factory-inspection law, the collection of industrial and agricultural statistics, the organization and operation of free employment bureaus, and the promotion of voluntary mediation and arbitration. In addition, it transfers to this board the powers and duties of the inspector and assistant inspectors of female labor, who formerly enforced the 10-hour law for females. Chapter 410 of the Acts of 1916 gives this board the duty of appointing, with the consent of the governor, the mine inspector for Allegany and Garrett Counties, and chapter 207 gives it control over the inspection of steam boilers in the city of Baltimore.]

## MANUFACTURING, MECHANICAL, AND MERCANTILE ESTABLISHMENTS, WORKSHOPS, ETC.

### MINIMUM AGE.

*Employment under 14 prohibited in these occupations and in tenement-house manufactories or workshops, messenger service, offices, places of amusement, etc.*—No child under 14 years of age shall be employed, permitted or suffered to work in, about, or in connection with any mill, factory, workshop, mechanical establishment, tenement house, [sic] manufactory or workshop, office building, restaurant, bakery, barber shop, hotel, apartment house, bootblack stand or establishment, public stable, garage, laundry, or as a driver [,] or in any brick or lumber yard, or in the construction or repair of buildings, or as a messenger for telegraph, telephone or messenger companies, or in any mercantile establishment, store, office, boarding house, place of amusement, club or in the distribution, transmission or sale of merchandise. [A. C. 1911, vol. 3 (1914), art. 100, sec. 4, as amended by Acts of 1916, ch. 222.]

*Court decision.*—A former section on the above subject was held constitutional.—The Cotton Duck Co. v. Frankfort Insurance Co., 111 Md., 561 (1909).

## CANNING AND PACKING ESTABLISHMENTS.

### MINIMUM AGE.

*Employment under 12 prohibited.*—No child under 12 years of age shall be employed, permitted, or suffered to work in, about or in connection with any canning or packing establishment. [A. C. 1911, vol. 3 (1914), art. 100, sec. 5, as amended by Acts of 1916, ch. 222.]

## ALL OCCUPATIONS.

### MINIMUM AGE.

*Employment under 14 during school hours prohibited; exceptions.*—It shall be unlawful for any person, firm or corporation to employ, permit or suffer to work for hire or remuneration any child under 14 years of age in any business

or service whatever during any of the hours when the public schools of the district in which said child resides are in session, unless said child shall have previously fulfilled during the current year such requirements as to school attendance as now or may hereafter be prescribed by law. [A. C. 1911, vol. 3 (1914), art. 100, sec. 6.]

# MANUFACTURING, MECHANICAL, MERCANTILE, CANNING, AND PACKING ESTABLISHMENTS, WORKSHOPS, ETC.

## EMPLOYMENT CERTIFICATES AND RECORDS.

*Certificates required under 16 in these occupations and in tenement-house manufactories or workshops, messenger service, offices, places of amusement, etc.*—No child under sixteen years of age shall be employed, permitted or suffered to work, in, about or in connection with any establishment or occupation named in sections 4 and 5 unless the person, firm or corporation employing such child procures and keeps on file, and accessible to any attendance officer, inspector of factories or other authorized inspector or officer charged with the enforcement of this act [secs. 4-50], the employment certificate as hereinafter provided, issued to said child; and unless such employment, permission or sufferance to work in, about or in connection with said establishments or occupations shall be in accordance with the terms and regulations laid down for said employment certificates as hereinafter provided. [A. C. 1911, vol. 3 (1914), art. 100, sec. 9, as amended by Acts of 1916, ch. 222.]

*Inspection of certificates and lists.*—Attendance officers, inspectors of factories, or other authorized inspectors or officers charged with the enforcement of this subtitle [secs. 4-50] shall require that the employment certificates and lists provided for in this subtitle be produced for their inspection. [A. C. 1911, vol. 3 (1914), art. 100, sec. 10.]

*Certificates to be returned to issuing office; records of issuing office; new certificates.*—On termination of the employment of a child under sixteen years of age, the employment certificate issued to such child shall be returned by registered mail by the employer to the official issuing the same within twenty-four hours if said return is demanded by said child and otherwise within fifteen days of the termination of said employment, and the official to whom said certificate is so returned shall file and preserve the same until another certificate is issued to said child or until said child reaches the age of sixteen years, and on the return of said certificate shall notify the [chairman of the board of labor and statistics] of said return. Any child whose employment certificate has been returned as above provided shall be entitled to a new certificate without reexamination except a physician's certificate that the child is physically able to undertake the work for which the new certificate is to be issued, and such reissue of a certificate shall be subject to all conditions as to recording and reporting governing the original issue. [A. C. 1911, vol. 3 (1914), art. 100, sec. 11, as amended by Acts of 1916, ch. 222.]

*Board of labor and statistics to issue certificates in Baltimore; either board or school authorities to issue in the counties; methods of issuing; general and vacation certificates.*—An employment certificate shall be issued in Baltimore city only by the [chairman of the Maryland board of labor and statistics], and in the counties by said [chairman] or by the county superintendent of schools of the county in which said child resides, or by some person designated in writing by said superintendent. The employment certificate shall be issued only upon application in person of the parent, guardian, or legal custodian of the child desiring such employment, or if said child have no parent, guardian or legal custodian, then by next friend, but no certificate shall be issued by any person for any child then in, or about to enter such person's own employment, or the employment of a firm or corporation of which said person is a member, officer or employee. Employment certificates shall be of two classes: General employment certificates and vacation employment certificates. General employment certificates shall entitle the child to work during the entire year; vacation employment certificates shall entitle the child to work during the entire year excepting during such time as said child is required to attend public or private school under the provisions of the laws now in force, or hereafter to be enacted. [A. C. 1911, vol. 3 (1914), art. 100, sec. 12, as amended by Acts of 1916, ch. 222.]

*Age, school, and health records and promise of employment required.*—The person authorized to issue a general employment certificate shall not issue such



certificate until he has received, examined, approved and made a record of the following papers, duly executed, viz:

(1) The school record of such child properly filled out and signed, as provided in this act [secs. 4-50], which school record shall be furnished without charge to any child applying therefor by the superintendent or teacher in charge of the school or schools attended by said child.

(2) A certificate signed by a physician appointed by the officer authorized to issue such permit stating that such child has been examined by him, and, in his opinion, has reached the normal physical development of a child of its age, and is in sufficiently sound health and physically able to be employed in the occupation or process for which a permit is applied for [sic].

(3) Evidence of age showing that the child is fourteen years old or upwards, which shall consist of one of the following proofs of age and shall be required in the order herein designated as follows: (a) A duly attested transcript of the birth certificate filed according to law with a register of vital statistics, or other officer charged with the duty of recording births, which certificate shall be prima facie evidence of the age of such child. (b) A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child. (c) In case none of the proofs required by subdivisions (a) or (b) of this section can be produced, the officer issuing said permit may issue a temporary permit allowing said child to work for ten days, and shall accept as full proof of age the sworn affidavit of the child's parent, guardian, legal custodian, or next friend, such affidavit containing the name of said child, alleged age, place and date of birth and present residence and any other matter that may assist in determining the age of the child, and the further affidavit that the evidence of age required by subdivisions (a) or (b) of this section can not be produced by the applicant; and if upon investigation by the officer no facts appear contradicting any of the material statements of such application, the officer may after 10 days issue a regular permit for such child: *Provided*, That the officer issuing permits shall not accept the foregoing affidavit unless said affidavit be accompanied by the written certificate of the physician appointed by the officer authorized to issue such permits, certifying that he has made a physical examination and inspection of said child and verily believes said child to be of the full age of 14 years, and whenever practical all information required by subdivision (c) and par. (2) of this section shall be embraced in one certificate. The officer issuing the certificate shall require the evidence of age specified in subdivision (a) in preference to that specified in subdivisions (b) or (c), and the evidence of age specified in the subdivision (b) in preference to that specified in subdivision (c), and shall not accept the evidence of age permitted by subdivision (c) unless he shall receive and file in addition thereto or as part thereof an affidavit of the parent, guardian, legal custodian or next friend, showing that no evidence of age specified in any preceding subdivision or subdivision[s] of this section can be produced by the applicant.

(4) An employment ticket signed by the prospective employer, stating the occupation, industry, and place in which such child is to be employed. [A. C. 1911, vol. 3 (1914), art. 100, sec. 13, as amended by Acts of 1916, chs. 222, 701.]

*Method of issuing certificates; educational requirements.*—No employment certificate shall be issued until the child in question has personally appeared before and been examined by the officer issuing the certificate, nor until such officer, after making such examination, has signed and filed in his office a statement that the child can read intelligently and write legibly simple sentences in the English language. [A. C. 1911, vol. 3 (1914), art. 100, sec. 14, as amended by Acts of 1916, ch. 222.]

*Method of issuing vacation certificates; age and health certificates required.*—The person authorized to issue a vacation employment certificate shall not issue such certificate until the child in question has personally appeared before said person authorized to issue said certificates, and until said person so authorized has received and approved the following papers duly executed, viz:

(1) Evidence of age, showing that said child is 12 years [old] or upwards, which evidence of age shall consist of A, B or C [a, b, or c], as set forth in section 13 above, or in lieu of said evidence A, B or C [a, b, or c], in case they cannot be presented, a statement from a regular physician designated by said person authorized to issue said certificate, certifying that he has examined said child and that in his opinion said child is of the age of 12 years or upward, together with the affidavit of the parent, guardian, legal custodian or next friend of such child, that such child is above the age of 12 years.

(2) A statement from a regular physician designated as above, certifying that he has examined said child, and that in his opinion said child is physically able to undertake the work for which said certificate is to be issued. [A. C. 1911, vol. 3 (1914), art. 100, sec. 15, as amended by Acts of 1916, ch. 222.]

*Contents of employment certificates and records of issuing office.*—All employment certificates shall be issued on forms supplied by the [board of labor and statistics]. All certificates issued in Baltimore city shall be in duplicate and one copy shall be retained in the files of said [board] for the period of four years from the date of issue. All certificates issued in any of the counties of Maryland shall be made out in duplicate and one copy shall be delivered by the person issuing said certificate to the [board of labor and statistics] and shall be preserved in the files of said [board] for the period of four years from the date of said issue; and the person issuing said certificate in any of the said counties shall also make a record of each application for any employment certificate upon blanks furnished by said [board], and shall preserve same for a period of four years from the date of application. Whenever a certificate shall be refused to any child, a statement of the name and address of said child, together with the reasons for the refusal of said certificate and the school which said child should attend, shall be forwarded by the person refusing to issue said certificate to the county superintendent of schools of the county in which said child resides, if the child resides in one of the counties of this State, and to the [board of labor and statistics], and said statements shall be placed on file and preserved until such time as such child, if living, shall have reached the full age of 16 years. All employment certificates shall also contain the name and address of the prospective employer and the nature of the occupation in which said child is to be engaged, and no certificates [sic] shall be valid excepting in the hands of the employer so named and for the occupation so described. [A. C. 1911, vol. 3 (1914), art. 100, sec. 16, as amended by Acts of 1916, ch. 222.]

*Contents of school record; educational requirements.*—The school record required by this subtitle [secs. 4-50] shall be filled out and signed by the principal or chief executive officer of the school which such child has last attended and shall be furnished to a child who after due examination and investigation may be entitled thereto. It shall contain a statement certifying that the child has regularly attended the public schools or private or parochial schools for not less than such a minimum period of attendance as is now or may hereafter be prescribed by law during any period of 12 months after such child shall have arrived at the age of 13 years and that such child is able to read intelligently and write legibly simple sentences in the English language, and has completed a course of study equivalent to five yearly grades in reading, spelling, writing[,] English language and geography, and is familiar with the fundamental operation[s] of arithmetic up to and including fractions, such school record shall give the name, date of birth and residence of the child as shown on the records of the school and the name of the parent or guardian or custodian. The provisions of this section relating to school attendance shall not be enforced against any child who has been granted a permit under the provisions of chapter 192 of the Act[s] of 1906: *Provided however*, That such child is able otherwise to meet the educational requirements of this section. [A. C. 1911, vol. 3 (1914), art. 100, sec. 17.]

*Blank certificates.*—Certificates and other papers required in the issue of employment certificates shall be formulated by the [board of labor and statistics] and furnished by it to the superintendents of schools of the various counties of this State: *Provided*, That the preliminary papers required under sections 13 and 15 of this article shall be sufficient if they state fully the facts called for by said sections, and shall not be rejected because they are not upon the forms furnished by the [board of labor and statistics]. [A. C. 1911, vol. 3 (1914), art. 100, sec. 18.]

*Proof of age may be required for children apparently under 16.*—An inspector of factories, or attendance officer or other officers charged with the enforcement of this subtitle [secs. 4-50] may make demand on any employer in or about whose place or establishment a child apparently under the age of 16 years is employed or permitted or suffered to work, and whose employment certificate is not filed as required by this subtitle, that such employer shall either furnish to the person authorized to issue a certificate for said child within 15 days satisfactory evidence that such child is in fact over 16 years of age, or shall cease to employ, or permit or suffer such child to work in such place or establishment. The person authorized to issue said certificate shall re-

quire from such employer the same evidence of age of such child as is required upon the issuance of an employment certificate and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. [A. C. 1911, vol. 3 (1914), art. 100, sec. 19.]

*Failure to produce proof required by section 19 to be evidence of illegal employment.*—In case any employer shall fail to produce and deliver to the proper authorities within 15 days after demand, made pursuant to section 19 of this article, the evidence of age therein required, and shall thereafter continue to employ such child or permit or suffer such child to work in such place or establishment, proof of the making of such demand and of such failure to produce and deliver such evidence shall be prima facie evidence of the illegal employment of such child in any prosecution brought therefor. [A. C. 1911, vol. 3 (1914), art. 100, sec. 20.]

## REGULATED OCCUPATIONS.

### ENFORCEMENT.

*Duties and powers of factory inspectors, attendance officers, etc.*—Inspectors of factories, attendance officers and others [other] authorized inspectors may, within their respective districts or jurisdictions, visit and inspect at any time any place of employment mentioned in this subtitle [secs. 4-50], and shall ascertain whether any minors are employed therein contrary to the provisions of this subtitle; and shall report weekly all cases of illegal employment to the officer authorized to issue employment certificates in the county or Baltimore city wherein said child shall reside, and shall also report weekly said cases of illegal employment to the county superintendent of schools, or to the board of school commissioners of Baltimore city having jurisdiction over the school which said child should attend. It shall be the duty of factory inspectors, attendance officers and other officers charged with the enforcement of this subtitle, to make complaints against any person violating any of the provisions of this subtitle and to prosecute the same. This shall not be construed as a limitation upon the right of other persons to make and prosecute such complaints. [A. C. 1911, vol. 3 (1914), art. 100, sec. 34.]

*Failure to produce employment certificates and lists to be evidence of illegal employment.*—A failure by an employer to produce to an attendance officer, factory inspector or other authorized inspector or officer charged with the enforcement of this subtitle [secs. 4-50], any employment certificate or list required by this subtitle shall be prima facie evidence of the illegal employment of any child whose employment certificate is not produced or whose name is not so listed. [A. C. 1911, vol. 3 (1914), art. 100, sec. 35.]

### APPLICATION OF ACT.

*Act not to interfere with industrial education, etc.*—Nothing in this subtitle [secs. 4-50] shall prevent children of any age from receiving industrial education furnished by the United States, by this State, or by any city or town in this State, or by any private or parochial school, and duly approved by the State board of education or by other duly constituted public authority. [A. C. 1911, vol. 3 (1914), art. 100, sec. 36.]

### PENALTIES.

*Illegal employment; employer, parent, etc.*—Any person, firm or corporation, agent or manager of any firm or corporation, who whether for himself or for such firm or corporation, or by himself, or through agents, servants or foremen, employs, permits or suffers any child to work, and whoever having under his control as parent, guardian, custodian or otherwise, any child, permits or suffers such child to be employed or to work, in violation of any of the provisions of this act [secs. 4-50], shall for a first offense be punished by a fine of not more than ten dollars; for a second offense by a fine of not more than fifty dollars, or by imprisonment for not more than ten days or by both such fine and imprisonment. [A. C. 1911, vol. 3 (1914), art. 100, sec. 37, as amended by Acts of 1916, ch. 222.]

*Employment after notification.*—Whoever continues to employ any child in violation of any of the provisions of this subtitle [secs. 4-50], after being notified thereof in writing by a factory inspector, attendance officer or other officer charged with the enforcement of this subtitle, shall, for every day there-

after that such employment continues, be fined not more than twenty dollars. [A. C. 1911, vol. 3 (1914), art. 100, sec. 38.]

*Retention of employment certificate by employer.*—Any person, firm or corporation, retaining an employment certificate in violation of section 11 of this act [secs. 4-50] shall be fined not more than ten dollars. [A. C. 1911, vol. 3 (1914), art. 100, sec. 39, as amended by Acts of 1916, ch. 222.]

*Failure to keep file of employment certificates.*—Every employer who fails to procure and keep on file employment certificates for all children employed under the age of 16 years, as provided in section 9 of this act [secs. 4-50], shall be fined not more than ten dollars. [A. C. 1911, vol. 3 (1914), art. 100, sec. 40, as amended by Acts of 1916, ch. 222.]

*Hindering inspector.*—Any person, firm or corporation who hinders or delays any factory inspector, attendance officer or any officer charged with the enforcement of any of the provisions of this act [secs. 4-50] in the performance of his or her duties, or refuses to admit or locks out any such inspector or officer from any place which said inspectors or officers are authorized to inspect, shall be punished by a fine of not more than ten dollars, or by imprisonment for not more than ten days, or by both such fine and imprisonment. [A. C. 1911, vol. 3 (1914), art. 100, sec. 42, as amended by Acts of 1916, ch. 222.]

*Violation of act by persons charged with its enforcement.*—Any inspector of factories or other authorized inspector, attendance officer, superintendent of schools or other person authorized to issue employment certificates \* \* \* as required by this act [secs. 4-50], or other person charged with the enforcement of any of the provisions of this act, who knowingly and wilfully violates or fails to comply with any of the provisions of this act, shall be fined not more than ten dollars, and if an employee of the [board of labor and statistics], in addition thereto shall be subject to dismissal by the [chairman] of said [board]. [A. C. 1911, vol. 3 (1914), art. 100, sec. 43, as amended by Acts of 1916, ch. 222.]

*False statements by persons authorized to sign contracts.*—Any person authorized to sign any certificate, affidavit or paper called for by this subtitle [secs. 4-50], who knowingly certifies to any materially false statements therein shall be fined not more than \$100. [A. C. 1911, vol. 3 (1914), art. 100, sec. 44.]

*Refusing information; children.*—Any child working in or in connection with any of the establishments or place [places] or in any of the occupations mentioned in this subtitle [secs. 4-50], who refuses to give to the factory inspector or other authorized inspector or attendance officer his or her name, age and place of residence, shall be forthwith conducted by the inspector or attendance officer before the juvenile court if there be any juvenile court in the city or county where such child resides, or if not, before any court or magistrate having jurisdiction of offenses committed by children for examination and to be dealt with according to law. [A. C. 1911, vol. 3 (1914), art. 100, sec. 45.]

#### EMPLOYMENT CERTIFICATES AND RECORDS.

*Fees forbidden; physicians in counties excepted.*—No fee shall be charged or collected from any minor, or from his parents, guardian, legal custodian or next friend, for any service rendered by the [board of labor and statistics], or by any school [superintendent] or other officer issuing a permit, or for any school certificate or physician's certificate issued under the provisions of this subtitle [secs. 4-50]; but in the counties the physician or physicians designated by the superintendent of schools for each county, shall be entitled to receive a fee of fifty cents for each physician's certificate issued by him under the provisions of this article, said sum to be paid by the [board of labor and statistics] on the warrant of the superintendent of schools of said county. [A. C. 1911, vol. 3 (1914), art. 100, sec. 47.]

#### ENFORCEMENT.

*Appointment, compensation, and duties of inspectors and physicians.*—The [chairman of the Maryland board of labor and statistics] is hereby authorized to appoint four inspectors at a compensation not exceeding one thousand dollars each per annum, and three officers whose duty it shall be to issue and supervise the issuance of employment certificates, and to act as inspectors, at a compensation not exceeding twelve hundred dollars each per annum, and one officer who shall act as inspector of street trades, at a salary not exceeding

twelve hundred dollars per annum, to carry out the provisions of this act [sec. 4-50]; they shall also be allowed their actual expenses when away from the City of Baltimore on the business of their office; they shall be attached to and be part of the [Maryland board of labor and statistics], and be subject to the order of the [chairman] of said [board], whose duty it shall be to see that the provisions of this act are enforced; and said [chairman] of said [board] is further empowered to designate one or more regular physicians and other attendants who shall be attached to and be part of the [Maryland board of labor and statistics], and be subject to the order of the [chairman] of said [board], and who shall have such duties and receive such compensation as shall be determined upon by said [chairman]: *Provided however*, That the total compensation of all physicians and attendants so employed by said [chairman of the Maryland board of labor and statistics] shall not exceed twenty-five hundred dollars per annum. [A. C. 1911, vol. 3 (1914), art. 100, sec. 48, as amended by Acts of 1916, ch. 222.]

*Fees forbidden.*—All persons authorized to issue employment certificates under this subtitle [secs. 4-50] are hereby authorized to take such affidavits or administer such oaths as may be called for in the issuance of certificates of this subtitle, and are hereby forbidden to charge or receive a fee therefor. [A. C. 1911, vol. 3 (1914), art. 100, sec. 49.]



## FORMS USED IN THE ADMINISTRATION OF EMPLOYMENT-CERTIFICATE LAWS.

[The words in italics are as entered by hand on the blank forms, but all names and addresses, except those of some of the officials, are fictitious. Lines inclosed in bracket [ ] are interpolated and do not appear in the forms as used.]

[Form 1, Baltimore City and Western Counties. See p. 13.]

[When used elsewhere than in Baltimore City, the word "Baltimore" is crossed out and the name of the town or city where used is substituted.]

### EMPLOYMENT CERTIFICATE.

#### SECTION 11, CHAPTER 731, ACTS OF 1912.

On termination of the employment of a child under sixteen years of age the employment certificate issued to such child shall be returned by registered mail by the employer to the official issuing the same within twenty-four hours if said return is demanded by said child, and otherwise within fifteen days of the termination of said employment; and the official to whom said certificate is so returned shall file said certificate and preserve the same, and on the return of said certificate shall notify the Chairman of the State Board of Labor and Statistics of said return.

Baltimore, Md., *April 21, 1917.*

#### STATE BOARD OF LABOR AND STATISTICS HEREBY CERTIFIES

No. 678,542.

That *Louis Haddis* has complied with the provisions of Section 13, Chapter 731, (Name of Child.)

Acts of 1912, and may therefore be employed by *G. Martin Stots* as an *errand* (Employer.) (Name of

*boy* in the *Men's Clothing Mfg.*

Occupation.) (Industry.)

Date of Birth, *Dec. 25, 1902.* Age, *14 yrs. 3 mo.*

Color of Hair, *brown.* Eyes, *blue.*

Complexion, *fair.* Height, *5 ft. 2 in.*

By order of

CHAS. J. Fox, Chairman.

Countersigned *Mack Herzog*  
Officer issuing the Certificate.

*Louis Haddis.*

Signature of Person named in this Certificate.

No child under 16 years shall be employed or permitted to work on any machine or machinery operated by power other than foot or hand power.

Hours of Labor.—No child under 16 years shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation, excepting canning or packing establishments, for more than 6 days in any one week, nor more than 48 hours in any one week, nor more than 8 hours in any one day, nor before 7 a. m. nor after 7 p. m.

[Printed on large perforated sheets, four to a sheet.]

[When issued in the counties, the following is stamped across form: "The child named hereon has fulfilled all requirements of the school attendance law, having completed the work of the elementary school (7th grade)."]

# 108      EMPLOYMENT-CERTIFICATE SYSTEM IN MARYLAND.

[Form 2, Eastern Counties. See p. 13.]

## STATE OF MARYLAND—COUNTY GENERAL EMPLOYMENT CERTIFICATE

Acts 1912, Chapter 731 and Acts 1916, Chapters 222 and 701

ISSUED TO CHILDREN 14 TO 16 YEARS OF AGE

On termination of the employment of a child under 16 years of age, the employment certificate issued to such child shall be returned by registered mail by the employer to the official issuing the same within twenty-four hours if said return is demanded by said child, and otherwise within fifteen days of the termination of said employment.

No. of Permit **29**

Town and County of Issue *Berlin, Worcester Co. Md. Nov. 16, 1916.*

Authorizing Employment of (Name of Child) <i>Edmond Gwynn</i>	Whose Permanent Residence is <i>Berlin, Maryland</i>	Name of Occupation <i>Errand boy</i>
Employer (Firm name) <i>Brown and Alden</i>	Address of Firm <i>Berlin, Maryland</i>	Name of Industry <i>Retail Dry Goods</i>

### DATA RESPECTING CHILD TO WHOM THIS PERMIT IS ISSUED

Place of Birth <i>Berlin, Maryland</i>		Date of Birth <i>Sept. 7, 1901</i>		Present Age <i>15 Years 2 Months</i>	
Color <i>White</i>	Sex <i>Male</i>	Height <i>5 Ft. 2 In.</i>	Hair <i>Brown</i>	Eyes <i>Blue</i>	
School Last Attended <i>Hill School</i>		Grade Completed <i>7</i>		No. Days attended during preceding 12 months <i>100 days</i>	

The undersigned representative of the Superintendent of the Schools hereby certifies that he has received, examined, approved and filed the above named employer's promise to employ, the physician's certificate, the evidence of age each, as required by law, and that the child named hereon has personally appeared before him, with parent, guardian or custodian, and has been found to possess the educational qualifications required by the School Attendance Law.

Signed

*James Phelps, M. D.*  
For Superintendent of Schools  
*Edmond Gwynn*

Signature of child to whom certificate is issued.

Evidence of Age Accepted

- A Birth Certificate
- B Baptismal Certificate.
- C Passport
- D Affidavit of parent or guardian, with any other official proof.
- E Affidavit of parent or guardian without any other official proof.

**D**

Indicate Letter in Box

**HOURS OF LABOR.**—No child under 16 years of age shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation, excepting canning or packing establishments, for more than 6 days in any one week, nor more than 48 hours in any one week nor more than 8 hours in any one day, nor before 7 A. M., nor after 7 P. M.

No child under 16 years of age shall be employed or permitted to operate or assist in the operation of any machine or machinery operated by power other than foot or hand power.

**THIS PERMIT MUST NOT BE RETURNED TO CHILD.**

[Issued in duplicate. The original, which is of thin paper, is marked "Original (to be given child)". the duplicate, which is a stiff card, is marked "To be returned to State board of labor and statistics."]



[Form 3, Baltimore City and Western Counties. See p. 13.]

[When used elsewhere than in Baltimore City, the word "Baltimore" is crossed out and the name of the town or city where used is substituted.]

### VACATION EMPLOYMENT CERTIFICATE.

#### PERMITS EMPLOYMENT DURING VACATION AND OUTSIDE OF SCHOOL HOURS OF:

Any child 14 YEARS OF AGE OR OVER in a mill, factory, workshop, mechanical establishment, tenement house, manufactory or workshop, office building, restaurant, bakery, barber-shop, hotel, apartment house, boot-black stand or establishment, public stable, garage, laundry, or as driver, or in any brick or lumber yard, or in the construction or repair of buildings, or as messenger for telegraph, telephone or messenger companies, mercantile establishment, store, office, boarding-house or club, or in the distribution, transmission or sale of merchandise. Any child 12 YEARS OF AGE OR OVER in a canning or packing establishment.

No. 10,871.

Baltimore, Md., July 18, 1917.

#### STATE BOARD OF LABOR AND STATISTICS HEREBY CERTIFIES

That *Felia Day* has complied with the provisions of Section 13, Chapter 731, Acts of 1912, and may therefore be employed by *Midvale Canning Company* as a pre-

(Name of Child.)  
(Employer.)  
(Name of  
paper in the canning.  
Occupation.) (Industry.)

Date of Birth May 17, 1904. Age 13.  
Color of Hair Brown. Eyes Blue.  
Complexion Fair. Height 4 ft. 10 in.

*Felia Day.*  
(Signature of Child.)

*Mach Herzog,*  
Signature of Person issuing this Certificate.

By order of

CHAS. J. FOX, Chairman.

This permit must be kept on file by the employer during the period the child to whom it is issued remains in his employ. At the termination of such employment it must be returned by registered mail by the employer to this Bureau within 24 hours, if said return is requested by said child, and otherwise within 15 days of termination of said employment.

HOURS OF LABOR.—No child under 16 years shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation, excepting canning or packing establishments, for more than 6 days in any one week, nor more than 48 hours in any one week, nor more than 8 hours in any one day, nor before 7 A. M. nor after 7 P. M.

THIS PERMIT CAN BE REVOKED FOR CAUSE AT ANY TIME.

[When issued in Baltimore City, the following is stamped across form—"O. K. on school days for three hours which do not conflict with the public school session and for eight hours on Saturdays and school holidays." When issued in the western counties, the following is stamped across form—"Every child between 14 and 16 years of age, residing in any county of the State, is required to attend school 100 days in each year (Sec. 162 Chap. 21 Acts 1916, school attendance law), beginning not later than November 1st unless such child has completed the work of the elementary school (7th grade)."]

[Form 4, Eastern Counties. See p. 13.]

## STATE OF MARYLAND—COUNTY VACATION EMPLOYMENT CERTIFICATE

Acts 1912, Chapter 731 and Acts 1916, Chapters 222 and 701

ISSUED TO CHILDREN 12 TO 16 YEARS OF AGE.

Any child 14 YEARS OF AGE OR OVER may work in a mill, factory, workshop, mechanical establishment, tenement house, manufactory or workshop, office building, restaurant, bakery, barber-shop, hotel, apartment house, boot-black stand or establishment, public stable, garage, laundry, or as a driver, or in any brick or lumber yard, or in the construction or repair of buildings, or as messenger for telegraph, telephone or messenger companies, mercantile establishment, store, office, boarding-house or club, or in the distribution, transmission or sale of merchandise. Any child 12 YEARS OF AGE OR OVER in a canning or packing establishment only.

No. of Permit 79 Town and County of Issue *Thistle, Talbot Co. Md.* Aug. 1, 1917.

Authorizing Employment of (Name of child) <i>Ralph Major</i>	Whose Permanent Residence is <i>26 Grant Ave.</i>	Name of Occupation <i>doffer</i>
Employer (Firm name) <i>W. A. Blakey</i>	Address of Firm <i>Thistle, Md.</i>	Name of Industry <i>Cotton duck</i>

## DATA RESPECTING CHILD TO WHOM THIS PERMIT IS ISSUED

Place of Birth <i>Baltimore, Md.</i>		Date of Birth <i>June 23, 1908</i>		Present Age <i>14 Years 1 Month</i>	
Color <i>White</i>	Sex <i>Male</i>	Height <i>4 Ft. 9 In.</i>	Hair <i>Light</i>	Eyes <i>Gray</i>	

The undersigned representative of the Superintendent of Schools Hereby Certifies that he has received, examined, approved and filed the above named employer's promise to employ, the Physician's Certificate, the evidence of age, each as required by law and that the child named herein is able to read and write simple sentences in the English language and has personally appeared before him accompanied by parent or guardian.

Signed

*J. Phelps, M. D.*  
For Superintendent of Schools  
*Ralph Major*  
Signature of child to whom certificate is issued.

## Evidence of Age Accepted

- A Birth Certificate  
B Baptismal Certificate.  
C Passport  
D Affidavit of parent or guardian, with any other official proof.  
E Affidavit of parent or guardian without any other official proof.

*B*Indicate Letter  
in Box

**HOURS OF LABOR.**—No child under 16 years of age shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation, excepting canning or packing establishments, for more than 6 days in any one week, nor more than 48 hours in any one week nor more than 8 hours in any one day, nor before 7 A. M., nor after 7 P. M.

**NOTICE TO EMPLOYERS.**—Every child between 13 and 16 years of age residing in any county of the State, is required to attend school 100 days in each year (Sec. 162, Chap. 21, Acts 1916, School Attendance Law), beginning not later than November 1st, unless such child shall have reached the age of 15 years and has completed the work of the Elementary School (7th Grade), when a General Employment Certificate may be secured to entitle the child to work during the entire year.

[Issued in duplicate. The original, which is of thin paper, is marked "Original (to be given child)"; the duplicate which is a stiff card, is marked "To be returned to State board of labor and statistics."]

[Form 5, Entire State. See p. 13.]

## EMPLOYMENT TICKET.

Name of Firm or Employer *John Brown and Co.*  
Will Employ *Leon Kenwood*  
Name of Child  
in the capacity of *office boy*  
State Nature of Employment  
In the *Grain Receiving and Exporting* Industry  
if an Employment Certificate is issued to him,  
Him or Her  
Address of Firm *1075 Chamber of Commerce Building.*  
Name of Agent of Firm *William Harwood*  
Date *Mar. 2, 1917.*

[Filing card.]

ORIGINAL (To Be Kept).

[Form 6, Entire State. See p. 13.]

SCHOOL RECORD.

(Fill out in ink.)

For a VACATION EMPLOYMENT CERTIFICATE no school record is required, EXCEPT when the child RESIDES in ANY COUNTY of the State and wishes to qualify for a Vacation Employment Certificate while the public schools of the county in which he resides are in session, when a statement must be produced showing that he has ATTENDED SCHOOLS THE REQUIRED 100 DAYS DURING THE SCHOLASTIC YEAR.

For a GENERAL EMPLOYMENT CERTIFICATE a child residing in Baltimore City must present a school record showing that he has COMPLETED the 5th grade or a course of study equivalent to 5 yearly grades in reading, spelling, writing, English language and geography, and is familiar with the fundamental operations of arithmetic up to and including fractions. A child residing in any county of the State is required to complete the 7th grade.

For a newsboy badge there is no GRADE qualification, but regular attendance and average scholarship are expected, for the law provides that upon the recommendation of the principal of the school attended, the permit and badge of a newsboy who fails to comply with all the legal requirements concerning school attendance, may be revoked for a period of months by the officer who issued them.

John Jones, an applicant for an Employment certificate has completed the 5th grade at No. 27 School, and has regularly attended school 170 days during the preceding twelve months. The school record gives the date of his birth as (His or Her)

Apr. 16, 1903, residence 24 Beech St., and the name of parent, (guardian or custodian) as Richard Jones.

Certificate No. 10,789. Dated May 12, 1917. J. R. Smith.

(Principal or Chief Executive of the School)  
[A duplicate of this record is given to the child.]

[Form 7, Entire State. See p. 39.]

[A blue card is used for a girl, a yellow one for a boy.]

Name Kanowski, John Address 237 Lafayette Ave. Date of Birth July 10, 1903. Age 13 Years 1 Month  
Birthplace Baltimore, Md. Proof Baltimore Birth Record Reason for leaving school Help needed  
School Pine Street Grade finished 6 Record 16 Color White Hair light Eyes blue Complexion fair  
Father Living Yes Birthplace Germany Nationality Polish Occupation Laborer Mother Living Yes  
Birthplace Germany Nationality Polish Occupation Housewife  
Passed Test Yes Child John Kanowski Parent or Guardian Peter Kanowski  
Remarks

Date	Permit		Occupation	Employer	Industry	Wages Ex-pected	Height	Weight	Lung Capacity	Chest		Dr.
	Kind	Number								Feet	Inch	
3-14-14	Vac	5034	Skinner	Black Packing Co.	Cannery	unk.	4-6	57				A
5-17-15	"	5748	Copper	White & Co.	County cannery	p.	4-7	72				A
6-24-15	"	6523	Preparer	Brown Packing Co.	Cannery	unk.	"	72				A
8-4-15	"	7800	Peeler	Blue Canning Co.	Cannery	unk.	4-8	75				G
5-30-16	"	3751	Copper	White & Co.	County cannery	p.	4-9	80				A
6-24-16	"	9634	Preparer	J. Jonnel	Cannery	unk.	"	79				A
7-27-16	Gen'l	30637	Packer	S. H. Barnes	Cannery	p.	4-9	80				A
6-22-17	"	37104	Clerk	P. Holt	Office	\$4.	4-11	85				A

[Filling card.]

[Form 7 (reverse). See p. 13.]

	R. E.				L. E.								Remarks
	20y/	20	18	16	20	20y/	20	18	16	20	20y/	20	
Vision	20y/	20	18	16	20	20y/	20	18	16	20	20y/	20	
Abnormalities or Diseases of Eyes													
Hearing	R. E.				L. E.								
Diseases of Ears													
Breathing	Mouth				Teeth				Goody/				
Oral Cavity	Nosey/				Bad								
Throat													
Circulation:	Heart	Size	Action	Murmur	Character								
Pulse													
Chest													
Lungs													
Glands													
Anaemia													
Nervous													
Orthopedics													
Genito Urinary:													
Habits:	Alcohol				Tobacco				Yes, smokes pipe				
Nutrition:													
Personal History:	Whooping cough, measles, mumps												
Family History:	Negative												
Condition													

[Spaces left blank on this form indicate normal condition.]

[Form 8, Entire State. See p. 13.]

[PARENT'S AFFIDAVIT AND PHYSICIAN'S CERTIFICATE OF AGE.]

## APPLICATION FOR PHYSICIANS CERTIFICATE

To Be Filled Out in Case No Documentary Proof of Age of Any Kind Can Be Produced  
Section 13, Par. 3-D

I, *Emma Jones, mother* of *Kate Jones*  
 (Name) Parent, Guardian, Legal Custodian. (Name of child)  
 who lives at *908 S. Carey St.* who was born *Aug. 29, 1902,*  
 (Residence of Child) (Date of Birth)  
 in *Pasadena, A. A. Co., Md.* and is therefore *14* + *10* of age  
 (Place of Birth) Years Months  
 certify that the date of birth of said child is not recorded in the vital statistics in  
*State Health Dept.,* that a baptismal certificate for said child is not available  
 (Place where child was born)  
 because *mother was told no record could be found at Baxter Ave Baptist church and that*  
 no documentary proof of age can be produced because *no bible record—no other available*  
*proof.*

In support of my statement of the age of *Kate Jones,*  
 (Name of child)

I submit the following facts: -----

Physical examination shows child to be *14 yrs. + 10 mos.*Signed *Anna S. Abercrombie M. D.*

Examining Physician

Signed *Emma Jones*(Signature of Parent, Guardian, Legal Custodian)  
[Filing card.]

[Form 8 (reverse). See p. 20.]

Baltimore Md. July 11, 1917.

THIS CERTIFIES, That I am the *Mother* of *Kate Jones*  
 (father, mother, guardian or custodian) (name of minor)  
 and that *she* was born at *Pasadena* in the county of *Anne Arundel*  
 [he or she] [name of city or town] [name of county, if known]  
 State of *Maryland* on the *20th.* day of *Aug.* 1902 and is now *14* years  
 [or country] [day of month] [month]  
 and *10* months old.

(Signature of father, mother, guardian or custodian)  
*Emma Jones*Then personally appeared before me the above-named *Emma Jones* and made

oath that the foregoing certificate by *her* signed is true to the best of *her*  
 [him or her] [his or her]  
 knowledge and belief.

*Mathilde L. Selig*  
 (Signature of person authorized to issue certificate)

[Form 9, Eastern and Western Counties. See p. 15.]

## REPORT TO COUNTY SUPERINTENDENT OF SCHOOLS ON EMPLOYMENT CERTIFICATES ISSUED.

By James Phelps during month of Aug. 1917 in New Windsor, Carroll County, Md.

No. of permit	Name of child	Vacation gen'l cert.	Date of birth	Age	Permanent residence	Occupation	Employer
16	John Jones	Vac	June 3, 1904	13	Lenwood	Preparer	J. Brown Co
17	Mary Smith	Vac	May 2, 1904	13	Berlin	"	A. Black Co
18	James Brown	Vac	Apr. 7, 1904	13	Curtis Bay	"	G. White Co
19	Mabel White	Gen'l	Mar. 5, 1903	14	New Windsor	Operator	M. Green Co
20	William Gray	Gen'l	Feb. 6, 1908	16	New Windsor	Errand boy	H. Hite Co

O. K. J. H. Preston, Supt.

[Used in Western Counties and in Cambridge to report physical examinations only.]

[Form 10, Eastern and Western Counties. See p. 15.]

[Statement used in making payments for physical examinations in counties.]

Sept. 7, 1917.

## STATE BOARD OF LABOR AND STATISTICS

To John Brown M. D. Dr.

To examining Children for Child Labor Permits, as provided in Sec. 47, Chapter 731, Acts of 1912.

Granted: Regular 12 Vacation 18

Refused: Regular 4 Vacation 3

Total 37 at 50 cents each \$18.50

Received Payment,

John Brown M. D.

Please return this receipt immediately.

[Form 11, Entire State. See p. 16.]

## EMPLOYMENT CERTIFICATE REFUSED.

Name Smith, Carl General

Address 514 Vale Street

Date Apr. 15, 1917 Sex Male Color White

Place of birth Baltimore, Md.

Date of birth Oct. 19, 1903 13 yrs. 5 mos.

Grade completed 7

Reason for refusing permit Under age

Bapt. cert. St. Luke's Germ. Ev. Luth. Church

School attended 94

[Filing card.]

[Form 12, Baltimore City. See p. 18.]

## INSTRUCTIONS

TO GET A PERMIT TO ALLOW A CHILD TO WORK.

SAVE YOURSELF TROUBLE BY READING ALL OF THIS.

WHO CANNOT GET PERMITS TO WORK DURING THE TIME THE PUBLIC SCHOOLS ARE IN SESSION. Boys and girls not 14 years old; those 14, who cannot read and write simple sentences in English, have not studied Geography and cannot pass a simple test in fractions.

WHO CAN GET PERMITS. Boys and girls who are 14 years old and over, who are in good health, who have completed the fifth grade in school, who can read and write simple sentences in English, who have studied Geography and can pass a simple test in fractions. Those who are 12 years old and are in good health, may work during the time the public schools are not in session, in canning and packing houses, if they can read intelligently and write legibly simple sentences in the English language.

**WHO DO NOT NEED PERMITS.** Boys and girls 16 years old and over. They should, however, give the employer legal proof of age; a Health Department Certificate of Birth or a christening certificate. If neither of these can be obtained, the State Board of Labor and Statistics may be able to help you.

**HOW TO GET A PERMIT.** (1) Get from the principal of the school you last attended or from the Board of Statistics and Labor, a card to be filled out and signed by the firm that is going to hire you. (2) When this card is filed, take it back to the principal and get from him your school record. (3) Get a christening certificate from the church where you were christened or other documentary proof of your age. Bring the employment ticket, school record and the birth or christening certificate to the office where the work permits are issued. One of your parents must come with you.

**WHERE TO GET A PERMIT.** Room 300 Equitable Building, Fayette and Calvert Streets, Baltimore, Maryland.

**WHEN TO GET A PERMIT.** Between the hours of 9 a. m. and 1 p. m.

[Form 12, Eastern Counties. See p. 18.]

### COUNTY INSTRUCTIONS.

#### TO GET A CERTIFICATE ALLOWING A CHILD TO WORK.

SAVE YOURSELF TROUBLE BY READING ALL OF THIS.

**WHO CANNOT GET CERTIFICATES.** Those not 14 years old during the time the public schools are in session; those who cannot read and write simple sentences in English; those who have not studied Geography and have not passed through fractions in arithmetic.

**WHO CAN GET CERTIFICATES.** Those who are 14 years old and over, who are in good health and who can read and write simple sentences in English; those who have studied Geography and have passed through fractions in arithmetic. Those who are 12 years old who are in good health may work during the time the public schools are not in session, in canning or packing establishments, if they can read intelligently and write legibly simple sentences in the English language.

**WHO DO NOT NEED CERTIFICATES.** Those 16 years old and over. They should, however, give the employer legal proof of age; christening certificate or other certificate of birth.

**HOW TO GET A CERTIFICATE.** Get from the physician issuing employment certificates in your vicinity (1) a card to be filled out and signed by the firm that is going to hire you. (2) Get a christening certificate from the church where you were christened or some other document, showing the date of your birth. (3) Get your school record from the principal of the school you last attended. Bring your employment certificate, school record and the christening or birth certificate to the physician issuing permits in your vicinity and apply for an employment certificate. One of your parents must come with you. A school record is not necessary to secure a VACATION PERMIT.

**WHERE TO GET A CERTIFICATE.** From the physician appointed by the Superintendent of Schools in your county to issue permits in your vicinity.

**WHEN YOU QUIT YOUR JOB** notify the employer that you want your employment certificate returned immediately to the official who issued it to you. When you find a new job call on the same official to get a new employment certificate.

**BEFORE ALLOWING THE CHILD TO BEGIN WORK,** the employer is required by law to have the child's work certificate in his possession.

**RETURN OF THE CERTIFICATE** to the child by the employer is forbidden by law. "On termination of the employment of a child under 16 years of age, the employment certificate issued to such child shall be returned by registered mail by the employer to the official issuing the same within twenty-four hours, if said return is demanded by said child, and otherwise within fifteen days of the termination of said employment."

**HOURS OF WORK.** "No child under sixteen years of age shall be employed in laboring more than eight hours in any one day in any industry excepting canning and packing establishments in any part of the State, nor for more than six days in any one week, nor before the hours of 7 a. m. nor after 7 p. m. The presence of such child in any establishment during working hours shall be prima facie evidence of its employment therein."

[Form 14, Baltimore City, Western Counties, and Cambridge Office.  
See p. 18.]

[When used elsewhere than in Baltimore City, the word "Baltimore" is crossed out and the name of the town or city where used is substituted.]

BALTIMORE, Apr. 12, 1917.

I hereby certify that, according to the records of the church or congregation of  
English Lutheran situated at 1750 Hill St. Mary Agnes Korman was born at  
(Corporate name of Church) (Child's full Name)  
Baltimore, Md., on Apr. 5, 1905 was baptized at said church Apr. 9, 1905 and that  
(Place of Birth) (Date of Birth) (Date of Baptism)  
she was 4 days old on that date.

[Signed]

C. E. Brown, D. D.  
(Minister)  
English Lutheran  
(Church)

Place  
seal  
here

This document has been accepted as proof of age by the State  
Board of Labor and Statistics for Mary Agnes Korman.

[Form 15, Baltimore City. See p. 21.]

## APPLICATION FOR A TRANSCRIPT OF A RECORD OF BIRTH

BALTIMORE, June 11, 1917.

I respectfully ask for a Transcript from the Records of the Registrar of Vital Statistics, Board of Health, City of Baltimore, relating to the Birth of

Name, *John Jameson*. Color, *white*.  
Date of Birth, *Apr. 2, 1903*.  
Name of Parents, *Henry and Mary Jameson*.

Maiden Name Mother, *Mary Brown*.  
Mother's Birth Place, *Baltimore*. Father's,  
*Baltimore*.  
Father's Occupation, *carpenter*.  
Physician or Midwife, *George Long, M. D.*  
No. Street where born, *625 E. Baltimore St.*

For what purpose desired, *Issuance of employment certificate*.

Name and Residence of Applicant *John Jameson 612 E. Baltimore St.*

[Form 16, Baltimore City. See p. 21.]

## STATE BOARD OF LABOR AND STATISTICS

June 11, 1917.

Application is made at this bureau for a permit to allow *John Jameson* aged *14* years to go to work. Please issue a transcript of birth as per Ordinance No. 246, approved March 27, 1913.

*Charles J. Fox*  
Chairman.

[Card.]

(Reverse). See p. 21.]

HEALTH DEPARTMENT, NO. 1  
CITY BALTIMORE, NO. 1  
COURTLAND NEAR SARATOGA STS.

There is no record in this department of the person named in this application.

*John D. Blake, M. D.,*  
Commissioner of Health.

June 13, 1917.

[Form 17, Baltimore City. See p. 21.]

B. 92.967.16.989

For Free Transcript if Lost or Destroyed can not be duplicated unless paid for,  
50 cents each.

No. 21.943

DEPARTMENT OF PUBLIC SAFETY  
SUB-DEPARTMENT OF HEALTH  
CITY OF BALTIMORE

OFFICE OF REGISTRAR OF VITAL STATISTICS

A TRANSCRIPT FROM THE RECORD OF BIRTHS IN THE CITY OF BALTIMORE

BALTIMORE, Aug. 31, 1916.

HEALTH DEPARTMENT  
Received Free this  
Date Aug. 31, 1916  
By  
Geo. Old,  
Clerk & Registrar

Date of birth <i>July 19, 1901</i>	Name of child <i>John Green</i>	Sex <i>Male</i>	Color <i>White</i>
Place of birth <i>No. 29 Spruce St.</i>	Name of mother <i>Margaret Green</i>	Maiden name of mother <i>Bates</i>	
Mother's birthplace <i>Balto.</i>	Name of father <i>Daniel Green</i>	Father's occupation <i>Not stated</i>	
Father's birthplace <i>Balto.</i>	Name of medical attendant or person who makes the returns <i>Mary Pendleton, M. D.</i>	When recorded <i>Aug. 25, 1901</i>	
A true Copy, [SEAL]		<i>John D. Blake, M. D.</i> Commissioner of Health and Registrar <i>Geo. C. Wedderburn</i> Clerk to Registrar	

[Form 18, Baltimore City, Western Counties, and Cambridge Office.  
See p. 21.]

STATE BOARD  
OF  
LABOR AND STATISTICS  
800 Equitable Building  
Baltimore, Maryland.

Chas J. Fox,  
Chairman,  
Saml. A. Keene, M. D.  
Harry C. Willis,  
Mathilde L. Selig,  
Assistant.

Aug. 15, 1917.  
DEAR SIR: The Board desires to obtain a birth record for *Edicard Linton* who is alleged to have been born in *Berlin, Maryland*, on *June 27, 1902*.

If you have a record of this birth on your files, will you kindly send me a copy? If a fee is charged, I shall not expect it as the Board does not pay for birth records.

With thanks for your kindness, I remain,

Very truly yours,

Mack Herzog,  
Officer Issuing Permits.

[Form 19, Baltimore City, Western Counties, and Cambridge Office.  
See p. 21.]

STATE BOARD  
OF  
LABOR AND STATISTICS  
800 Equitable Building  
Baltimore, Maryland.

Chas J. Fox,  
Chairman,  
Saml. A. Keene, M. D.  
Harry C. Willis,  
Mathilde L. Selig,  
Assistant.

Nov. 23, 1917.  
DEAR SIR: The Board desires to obtain a baptismal certificate for *Raymond Moore* who is said to have been baptized in your church. The date of birth is given as *May 26, 1902*. The parents' names are *Richard and Agnes Moore*.

If you have a record of this baptism, will you kindly send me a copy on the enclosed blank form? I am sending enclosed a stamped envelope for reply.

With thanks for your kindness, I remain,

Very truly yours,

Mack Herzog,  
Officer Issuing Permits.

[Form 20, Baltimore City, Western Counties, and Cambridge Office.  
See p. 21.]

STATE BOARD  
OF  
LABOR AND STATISTICS  
800 Equitable Building  
Baltimore, Maryland.

Chas J. Fox,  
Chairman,  
Saml. A. Keene, M. D.  
Harry C. Willis,  
Mathilde L. Selig,  
Assistant.

May 26, 1917.  
DEAR SIR: The Board desires to obtain the birth record for *Frank Lisbon* at whose birth you are said to have attended. His parents were *Ralph and Edith Lisbon*.

If you have a record of this birth, we would greatly appreciate your sending us a copy.

Very truly yours,

Mack Herzog,  
Officer Issuing Permits.

[Form 21, Baltimore City, Western Counties, and Cambridge Office.  
See p. 22.]

[When used elsewhere than in Baltimore City, the word "Baltimore" is crossed out and the name of the town or city where used is substituted.]

#### TEMPORARY EMPLOYMENT CERTIFICATES

Expires *May 15, 1917*.

Baltimore, Md., *Apr. 15, 1917*.

State Board of Labor and Statistics hereby certifies that *John Kelton*, born *Apr. 15, 1902*, has partly complied with the provision of Section 13, Chapter 731, Acts of 1912 and may therefore be employed by *B. M. Light* as a *Delivery Boy* in the *Paper Box* Industry.

Employer Name of Occupation

until *May 15, 1917*.

By order of

Countersigned *Mack Herzog*.

Office issuing the Certificate

CHAS. J. FOX, Chairman.

No minor under 16 yrs. may work more than 8 hrs. a day between 7 a. m. and 7 p. m. nor more than 6 days a week.



[Form 22, Baltimore City. See p. 23.]

[Identification card of child for whom free medical treatment is recommended.]

STATE BOARD OF LABOR AND STATISTICS.

Name *John Radcliff*  
Address *25 Clay Street.*  
Date *Aug. 10, 1917*  
Examiner, Dr. A.

Diag: *Enlarged and diseased tonsils.*

Treatment *Tonsils removed.*

Remarks *Operation by Dr. Jones, Presbyterian Eye, Ear, and Throat Hospital.*

[Filing card.]

[Form 22 (reverse). See p. 23.]

HOSPITALS AND DISPENSARIES

Presbyterian Eye, Ear and Throat Hospital	
1007 E. Baltimore Street	Opens 2 p. m.
Johns Hopkins Dispensary	
Monument St. and Broadway	Opens 1 to 2.30 p. m.
St. Joseph's Hospital	
Caroline and Hoffman Sts	Mon. Wed. and Fri. 2 to 3 p. m.
University of Maryland Dispensary	
Lombard and Greene Sts.	Open 1 p. m.
Northeastern Dispensary	
1224-1226 E. Monument St.	Opens 2 to 3 p. m.
Balto. Eye, Ear and Throat Hospital	
625 W. Franklin St	Opens 2 p. m.
South Balto. Eye, Ear and Throat Hospital	
1211 Light St.	Opens 2 p. m.
Hebrew Hospital	
Monument St. E. of Broadway	Opens 2 to 3 p. m.
Mercy Hospital	
Calvert and Saratoga Sts.	Opens 1 to 2.30 p. m.
Franklin Square Hospital	
Fayette and Calhoun Sts.	Opens 12 to 2 p. m.
Maryland General Hospital	
Linden Ave. near Madison St.	Opens 2 p. m.

[Form 23, Eastern Counties. See p. 30.]

STATE OF MARYLAND  
COUNTY VACATION CERTIFICATE

## PERMITS EMPLOYMENT OF

A child 12 years old or over in a canning or packing establishment.

A child 14 years old or over in a mill, factory, workshop, mechanical establishment, tenement house, manufactory or workshop, office building, restaurant, bakery, barber shop, hotel, apartment house, bootblack stand or establishment, public stable, garage, laundry, or as a driver in any brick or lumber yard, or in the construction or repair of buildings, or as a messenger for telegraph, telephone or messenger companies, or in any mercantile establishment, store, office, boarding house, place of amusement, club or in the distribution, transmission or sale of merchandise.

Name *Ralph Major*  
Age *14*. Occupation *doffer*  
Employer *W. A. Blakey*

All employers who employ children on vacation permits must return such permits by registered mail to the officer who issued them at the end of the summer vacation. Children who are legally entitled to remain at work after vacation must apply for the proper authorization.

If the child leaves before the end of vacation and requests the return of his permit, it must be returned by Registered Mail by the Employer within 24 hours. Otherwise within 15 days.

[Form 24, Baltimore City. See p. 31.]

STATE BOARD  
OF  
LABOR AND STATISTICS  
300 Equitable Building  
Baltimore, Maryland.

Chas. J. Fox,  
Chairman  
Saml. A. Keene, M. D.  
Harry C. Willis,  
Mathilde L. Selig,  
Assistant.

May 5, 1917.

Some time ago a temporary permit was issued to *George Black* to work in your employ. This permit expired on *May 4, 1917*, and the child should have been sent back to the Board on that date.

If the child is still in your employ, kindly send him back to the Board. If he is no longer working for you, please write me to that effect.

Very truly yours,

*Mack Herzog.*  
Officer issuing permits.

[Form 25, Baltimore City, Western Counties, and Cambridge Office.  
See p. 34.]

[When used elsewhere than in Baltimore City, the word "Baltimore" is crossed out and the name of the town or city where used is substituted.]

## STATE BOARD OF LABOR AND STATISTICS

300 Equitable Building, Baltimore, Md.

Authorized by Chap. 731—Acts of 1912.

Baltimore, Md. Feb. 9, 1917.

To whom it may concern:

This is to certify that this Bureau has proof that *James White* of *Baltimore, Md.* was born on *Aug. 11, 1900*. The child is therefore over sixteen years of age, and no longer requires an employment certificate or street trade's badge.

This statement should be kept on file by the employer and given to the child on termination of the employment.

Countersigned *Mack Herzog*  
Officer issuing permits

CHARLES J. FOX, Chief.

Signature of Applicant *James White*.

[Card.]

[Form 26, Entire State. See p. 41.]

State of Maryland

Department of Health

## CERTIFICATE OF INDUSTRIAL DISEASE

Name of patient *Elizabeth Hayward*Address: Street and No. *2504 Dwight St.*, City or Village *Baltimore*

## PERSONAL AND STATISTICAL PARTICULARS

Sex <i>F</i>	Age <i>45 y 4</i>	Color <i>W</i>	Country of birth <i>Am.</i>
-----------------	----------------------	-------------------	--------------------------------

Single, married, widowed or divorced  
(write the word) *Single*

## Occupation

(a) Present trade, profession or work *Floor help*Particular kind of work in such trade, etc.  
*racked packages of cigarettes in trays*Date of entering present occupation *Feb. 8, 1916*Employer's name *Jones Tobacco Company*Address *486 Lexington St., Balto., Md.*Business (kind of goods made or work done) *Cigarette manufacturing*

## (b) Previous occupations:

Name of occupation	Entered (year)	Left (year)
<i>Preparer, cannery</i>	<i>Oct. 1, 1914</i>	<i>Feb. 1, 1915</i>

## Previous illnesses, if any, due to occupation:

Disease or illness	Year
<i>Measles</i>	

## MEDICAL CERTIFICATE OF DISEASE

Diagnosis of present illness *Anaemia*Chief symptoms and conditions *Lacks strength  
No muscle tone, loss in weight 50%.  
Mental apathetic. Murmur at apex*Date first symptoms appeared *Has been feeling weak and shaky*

Complicating diseases (such as alcoholism, syphilis, tuberculosis, etc.)

*Family history good.**No chronic conditions.*

## Additional facts:

*Father—labourer*Date of diagnosis *Jan. 25, 1916.*(Signed) *Anna S. Abercrombie, M. D.**Jan. 25, 1916 (Address) C. L. B.*

Mail to State Board of Health, 6 E. Franklin St., Baltimore.

(Over)

[Form 26 (reverse). See p. 41.]

## STATE DEPARTMENT OF HEALTH OF MARYLAND

6 E. FRANKLIN STREET

BALTIMORE, MD.

By Section 5A, Chapter 165, Acts of the General Assembly of 1912 every medical practitioner attending a patient suffering from poisoning by LEAD, PHOSPHORUS, ARSENIC, or MERCURY, OR THEIR COMPOUNDS, OR FROM ANTHRAX, OR FROM COMPRESSED AIR ILLNESS, OR FROM ANY OTHER AILMENT OR DISEASE, contracted as a result of the patient's employment is required to report such cases to the State Board of Health, with such information in relation thereto as may be required by said Board. The cooperation of the medical profession is sought by the State Board of Health, however, for the reporting not only of these industrial diseases reportable by law, but also of ANY OTHER cases of illness due, in the physician's opinion, to the nature of the patient's employment.

These forms are furnished by the State Board of Health and should be used for all reports. In filling out, note carefully the instructions below.

## INSTRUCTIONS FOR FILLING OUT CERTIFICATE

IN GENERAL.—The MEDICAL CERTIFICATE on the right hand side the physician alone can furnish. The PERSONAL AND STATISTICAL PARTICULARS on the left-hand side must be secured by the physician either from the patient, or, in fatal cases, from the family precisely as for similar information in certificates of death sent to boards of health.

PRESENT OCCUPATION.—PRECISE statement of occupation is very important so that the relative healthfulness of various pursuits may be known. It is necessary to know both general trade or profession (for example, PRINTER or BRASS WORKER) and also the particular kind of work or branch of the trade (as HAND COMPOSITOR or LINO TYPE OPERATOR for a printer, or POLISHER or BUFFER for a brass worker).

WRITE PLAINLY WITH INK—THIS IS A PERMANENT RECORD  
N. B.—Every item of information should be carefully supplied. The exact statement of OCCUPATION is very important. Physicians should state DIAGNOSIS in plain terms. See instructions on back of certificate.

**DATE OF ENTERING PRESENT OCCUPATION** is important to determine how long the worker may have been exposed to the hazard before contracting the disease.

**EMPLOYER'S NAME, ADDRESS AND BUSINESS** are necessary to ascertain distribution of occupation diseases by industries, many trades (e. g., machinists) being common to different industries.

**PREVIOUS OCCUPATIONS** need to be known, if possible, because present illness may be due to a former, rather than present occupation, and industrial disease is frequently a cause of change of occupation. Give simply the name of each distinct occupation which the patient may have followed, with the year he entered, and the year he left, each one.

**PREVIOUS ILLNESSES.**—This refers either to previous attacks of present disease, or to any other disease, due to occupation. All that is required is the name of each such disease or illness with the year in which it occurred. Such information, when it can be secured will show whether the case reported is the first attack or not, and when combined with statement of previous occupations, will afford an outline history of the patient as to occupational disease.

**MEDICAL CERTIFICATE.**—Only the last two items specified for this require any explanation. In making these reports it is necessary to consider the possible influence of factors other than occupation as causes of the disease. For this reason any COMPLICATING DISEASES should be noted, such, for example, as alcoholism or syphilis in connection with arteriosclerosis in cases of lead or metal poisoning. The possible effect of other factors, such as poor hygienic conditions in the home, or other personal conditions, must be considered, and when discoverable should be noted under ADDITIONAL FACTS.

MARSHALL LANGTON PRICE, M. D.  
Secretary.

[Form 27, Baltimore City. See p. 51.]

[TEACHER'S REPORT OF ABSENTEES.]

THE TEACHER TO FILL THESE SPACES.

No. Case 151 Group Date May 4 1917  
No. School 13 Child's Name Wm. Strayer  
Age 14 Grade 5 Address 18 E. Pryton St.  
Truant yes Suspected Truant Irregular Attendant  
Dates of Absence May 4, 1917  
Teacher Agatha Wright. Date of Return May 6, 1917

THE ATTENDANCE OFFICER TO FILL THESE SPACES.

Date Received May 5, 1917 Date Investigated May 5, 1917 Date Reported May 5, 1917  
Dates Reinvestigated  
Report of Attendance Officer Boy will be punished by parent. Gave pass book.

[Form 28, Baltimore City. See p. 55.]

#### CENSUS OF CHILDREN

Full Name of Child.	Address of Child.	Age.	Color.	Sex.	Place of Birth of Child.
Charles Ellis Elith Trotter	1015 E. South St. 85 Lexington St.	13 15	White White	Male Female	Easton, Md. Baltimore, Md.

#### FROM 6 TO 18 YEARS OF AGE

The School Last Attended.	If Not at School, State the Employment, or That the Child is Not Employed.	Place of Birth of Mother.	Place of Birth of Father.
School No. 25 School No. 13	Cash girl	Easton, Md. Russia	Richmond, Va. Baltimore, Md.

[Form 29, Baltimore City. See p. 56.]

#### MARYLAND BOARD OF LABOR AND STATISTICS

300 EQUITABLE BUILDING

BALTIMORE, MD.

May 20, 1917.

The following pupils in your school have obtained general employment certificates.

Paul Esser  
Max Maxnton  
Mabel Murray

Maack Herzog  
Officer issuing permits.

[Postal card.]

[Form 30, Baltimore City. See p. 59.]

STATE BOARD OF LABOR AND STATISTICS

300 EQUITABLE BUILDING

BALTIMORE, MD.

Nov. 6, 1917.

We hereby notify you that your permit authorizing you to work for *G. Martin Stein* has been returned to this office. You must get another job, have an employment ticket filled out and come to this office any day between 9 A. M. to 1 P. M. (except Saturdays, 9 A. M. to 12 M.) to get another permit. If you go to work without a permit, your parents are liable to be prosecuted and fined, under the provisions of the Child Labor Law.

CHAS. J. FOX,  
Chairman.

[Postal card.]

[Form 31, Baltimore City. See p. 59.]

PERMIT CHILDREN NOT AT WORK.

Name of child *William Kilroy*  
Address *29 Spruce St.*  
Date of birth *Sept. 27, 1902*  
Last permit secured *Sept. 16, 1917* Returned *Oct. 4, 1917*  
Last employed on permit by *I. Stein & Sons*  
School last attended *45*

[Card.]

[Form 32, Baltimore City and Western Counties. See p. 60.]

STATE BOARD  
OF  
LABOR AND STATISTICS  
300 Equitable Building  
Baltimore, Maryland.

Chas. J. Fox,  
Chairman  
Saml. A. Keene, M. D.  
Harry C. Willis,  
Mathilde L. Selig,  
Assistant

Nov. 9, 1917.

DEAR SIR: *Leroy Kimball* living at *29 Poplar Street* has brought to the Board the employment certificate issued for him to work in your employ. I am sending you enclosed a copy of the Child Labor Law and wish to draw your attention to Section 11 which requires the employer to return the permit to the Board and not to the child.

Very truly yours,

*Mack Hersog*  
Officer issuing permits.

[Form 33, Entire State. See p. 61.]

149 MARYLAND BOARD OF LABOR AND STATISTICS 300 Equitable Building Baltimore, Maryland. Registration blank for manufacturing establishments		336 Number of persons, including office help, employed on the 15th day of the month or on the pay day nearest the 15th.	
		Month	Number
Industry	<i>Canning Machinery</i>	May 1916	14
Articles made	<i>Labeling Machines</i>	June 1916	15
Business name	<i>Jones Machine Company</i>	July 1916	15
Address	<i>229 Greene St., Baltimore, Md</i>	Aug. 1916	15
No. Street	<i>City County</i>	Sept. 1916	14
Owner's name	<i>Incorporated Home address</i>	Oct. 1916	15
		Nov. 1916	13
		Dec. 1916	11
		Jan. 1917	10
		Feb. 1917	9
		March 1917	10
		April 1917	10
If incorporated President's name <i>J. T. Brown</i> Home address <i>5763 Vine Ave.,</i> Manager's name <i>R. J. Brown</i> Home address <i>1081 Arbor Road</i> Date <i>June 25, 1917</i> Inspector <i>J. P. Smith</i>		No. persons, including office help, employed on day of reporting.	
			Males Females
		16 yrs. or over	11
		Under 16 yrs.	None

[Filing card.]

[Form 34, Entire State. See p. 62.]

Brown and Company Name Industry Clothing		121 6th Avenue Address Nature of Business Coat Pad Manufacturers		John Lousenstein Person Interviewed Cost Pad Manufacturers		Inspection No. — District Inspector Smith						
Age and sex of children at work	Number children		Employment cert. on file			Wall List Posted	Number	No. Children Under 12 Yrs.	Date May 9, 1917			
	White	Col'd	Regular	Vacation	Temporary	None	Occupation of children	Girls 6 to 14	Girls under 14	Boys under 14	Girls over 14	Boys over 14
Male 12 yrs							Operators Stampers Errand girls Pinners Packers Pickers of pads Pad testers	Sit				1
" 13 "												
" 14 "	1		1									
" 15 "												
Total	1		1									
Female 12 yrs												
" 13 "												
" 14 "	10		10		1							
" 15 "	3		3									
Total	13		13		1							
Grand total	14		14		1							

## SCHEDULE OF WORKING HOURS

No. in group	Occupation	Regu- lar		Sat- day		Sunday		Lunch period		Supper period		Recess period		Working days in week
		A. M.		A. M.		A. M.		Begin		Begin		Begin		
		P. M.	P. M.	P. M.	P. M.	P. M.	Stop	Stop	Stop	Stop	Stop	Stop		

[This space is used only when a violation of the hours of labor law is found]

[This space is used only when a violation of the hours of labor law is found]

Number of violations.

Over

Child labor inspection card.

[Filing card.]

[Form 34 (reverse). See p. 62.]

Name of Child	Sex	Age	Permit	Occupation
Edna Brown	F	14	Reg.	Operator
Wm. Crawford	M	14	"	Stamper
Katie Miller	F	14	"	Errand girl
Marie Simpson	F	14	"	Pad tester
Lucy Bruce	F	14	"	Errand girl
Helen Hooper	F	14	"	Pad pinner
Edith Whilday	F	14	"	Packer of pads
Catherine McCarthy	F	14	"	Tester of pads
Mary Young	F	14	"	Errand girl
Pearl Harding	F	14	"	Picker of pads
Cecilia Olden	F	14	"	Picker of pads
Florence Little	F	14	"	Pad pinner
Theresa Cross	F	14	"	Pad pinner
Katherine Lowndes	F	14	"	Picker of pads
Elsie Ganser	F	14	"	Packer
Anna Keating	F	14	"	Pad pinner
Frances Bowman	F	14	"	"
Mary Clements	F	14	"	Errand girl
Ida Stein	F	14	"	Pad pinner
Eleanor Swift	F	14	"	Operator
Maria Carroll	F	14	"	Pad pinner
Elizabeth Melton	F	14	"	Pad packer
Barah Kirby	F	14	None	Pad pinner

(over)

[Form 35, Entire State. See p. 63.]

## STATE BOARD OF LABOR AND STATISTICS

Inspector M. L. Ross District 11 Day Tuesday Month May Date 24 1917. City Baltimore Number  
Day Inspections 5 Number Night Inspections / Total 5

Name of establishment	Address	Total No. Employees				Character of inspection	Violations	Nature of business
		Over 16		Under 16				
		M	F	M	F			
1 The Parker Company	Charles & Edwards			6	17	C. L.		Candy Factory
2 Julius Johnson	Fifth & Evergreen				6	C. L.		Paper Box Factory
3 Wustburger's	9 Main Street			8	30	C. L.	1	Candy Factory

[Additional space for entries is given on back of card.]

Inspector's daily report card

(over)

[Filing card.]

[Form 36, Entire State. See p. 65.]

Name James Spearton Retail Notions Date Apr. 25, 1917 Inspection No. 324  
of concern Nature of business  
Address 726 Norcross Ave. City Baltimore County

On this date I inspected the establishment above mentioned and found working therein, in violation of law, the following named children. A statement admitting the specific violation has been properly executed on the back of this card.

Name of Child in full	Home Address	Age or Date of Birth	Work Engaged in	Violation
John Smith Jones	45 Kane St.	June 18, 1903	Floor boy	No permit
Alice May Brown	25 High St.	Mar. 6, 1903	Cash girl	No permit

Permits Apr. 24, 1917.

Orders issued That children must have permits before they can work. Time given to comply Wednesday, Apr. 25, 1917.

We hereby acknowledge the above enumerated violations and promise to comply with the inspector's instructions.

Signed James Spearton

J. J. Brown,  
Inspector.

[Form 36 (reverse). See p. 66.]

COPY OF SCHEDULE OF WORKING HOURS FOR MINORS UNDER 16

Firm	Floor	Time of Inspection																
Name of child	Occupation	Mon-day		Tues-day		Wed-nes-day		Thurs-day		Fri-day		Sat-urday		Sun-day		Lunch period	Sup-per period	Re-cess period
		A. M.	P. M.	A. M.	P. M.	A. M.	P. M.	A. M.	P. M.	A. M.	P. M.	A. M.	P. M.	A. M.	P. M.			
		Begin	Stop	Begin	Stop	Begin	Stop	Begin	Stop	Begin	Stop	Begin	Stop	Begin	Stop			
[This space is used only when a violation of the hours of labor law is found]																		

To the State Board of Labor and Statistics  
300 Equitable Building

[Signed]      Manager

Baltimore, Md., Apr. 23, 1917.

DEAR SIR: We hereby acknowledge the violations enumerated and that the children whose names are set forth on the face of this card were on Apr. 23, 1917, found working (Date)

in our establishment in violation of the laws regulating Child Labor in Maryland. We will see to it that no further violation of the law occurs in our establishment and we will also immediately see that the inspector's instructions are complied with. The said violations were entirely unintentional and arose as follows:

*We told these children to get permits and supposed they had done so.*

Address 726 Norcross Ave. Signed James Spcarton  
Firm Name

(Per) F. S.



## **INSTRUCTIONS TO PHYSICIANS AUTHORIZED TO ISSUE EMPLOYMENT CERTIFICATES IN THE COUNTIES.**

The method of issuing employment certificates in the counties was changed by an amendment to the child-labor law in 1916 (see sec. 16), and under the present provisions all permits are to be issued in duplicate. It is required that a record be made of each application for an employment certificate and preserved by the officer authorized to issue certificates.

### **Records of applicants.**

The forms provided for these records are of two kinds:

- (1) Blue cards for female applicants.
- (2) Yellow cards for male applicants.

The only variation in these forms is on the reverse side for the physical examination of the applicant.<sup>1</sup>

The form is filled out on occasion of the first application of a child, and all subsequent applications are recorded from time to time in the spaces provided on the lower half of the form. You will, therefore, have only one form for each child with records of all permits issued or refused. If these cards are arranged alphabetically and kept in the file to be provided for that purpose, this plan should greatly facilitate matters in the issuance of permits.

### **General employment certificates.**

**QUALIFICATIONS:** In accordance with the provisions of the compulsory school-attendance law, a child, in order to qualify for a general employment certificate which allows employment throughout the entire year, must be **FOURTEEN YEARS OF AGE** and over and have **COMPLETED THE SEVENTH GRADE**.

In the issuance of the general employment certificates, the following requisites are prescribed by law.

1. An employment ticket (Form 2) filled out by the employer stating **DEFINITELY** the nature of the employment.

(NOTE.—This is absolutely essential because of forbidden occupations to children under 16.)

2. A school record from the principal or chief executive of the school last attended stating the grade completed and a record of attendance.

3. Evidence of age. (Note change in law, sec. 13, par. 3.)

(a) A duly attested transcript filed according to the law with the registrar of vital statistics or other officer charged with the duty of recording birth.

(b) Baptismal certificate or passport.

(c) In case none of these proofs can be secured the officer may accept as full proof of age, the affidavit of parent or guardian, requiring any other matter that may assist in determining the age of the child. This affidavit (Form 11 filled out) must be filed according to law for 10 days. The officer may issue a temporary permit allowing the child to work during this time. If at the expiration of 10 days no facts have appeared contradicting any of the material statements, and the physical examination of applicant shows child to be of the age specified in the affidavit, then a general employment certificate may be issued.

NOTE.—In cases where affidavits are accepted, it is required by this office that they be forwarded with duplicate forms of permits.

### **Form to be used for general employment certificates.**

Form No. 10, printed in duplicate and issued in bound form is to be given applicants who can qualify for general employment certificates. The original

<sup>1</sup> On the forms in use at the time of this study, printed later than these instructions, no such variation exists.

or blue form is given to the child to be filed with the employer, and the duplicate (stiff white form) is to be returned to this office for the bureau's files, as required by law.

#### **Vacation employment certificates.**

Vacation employment certificates allow minors to work until November 1, when they are required to attend school 100 days in the year.

In order to qualify for vacation employment certificates, all applicants are required to read intelligently and write legibly simple sentences in the English language.

Children 12 years of age and over may work in canning or packing establishments; for all **OTHER INDUSTRIES**, they must be **14 YEARS OF AGE** or over.

If vacation employment certificates are issued after November 1, during the scholastic year, the applicant must produce a school record from the principal or chief executive of the school last attended, showing that he or she has fulfilled the requirements of the compulsory school attendance law, i. e., has attended the required 100 days. A child may, however, work on a vacation permit out of school hours, Saturdays and holidays.

The following requisites for a vacation employment certificate are prescribed by law:

1. Employment ticket same as for general employment certificate.
2. Evidence of age same as for general employment certificate.

#### **Form to be used for vacation employment certificates.**

Form No. 12 A, printed in duplicate and issued in bound form, is to be issued applicants qualifying for vacation employment certificates. The original (thin white form) is to be given the applicant to be filed with the employer, and the duplicate (stiff yellow form) is to be forwarded to this office.

#### **Return of employment certificates.**

On every employment certificate is a notice to the employer requesting the return of this certificate to the officer issuing same on the termination of the child's employment. These returned permits are to be preserved by you, until a subsequent is issued when the permit previously issued may be destroyed.

It has been found in county inspection work that several permits issued for the same child were filed with different employers. Please eliminate this possibility by requiring the return of the previously issued permit before issuing a subsequent.

#### **Refused cases.**

Make a record for your files on blue or yellow record forms of all applicants who are refused permits. On the lower half of form, state date, kind of permit refused and reason for refusal. Fill out Form 14 in each case of refusal and forward to this office with the duplicate forms of permits issued.

(NOTE.—I would request that you read the report on "Permits refused," page 190 of the twenty-fourth annual report.)

The State superintendent of schools has ruled that all children who secured general employment certificates PRIOR to June 1, 1916, will not be affected by the provisions of the compulsory school attendance law, but such general employment certificates are to be renewed from time to time on application of child when changing employment.

#### **Forbidden occupations—See sections 7, 8, 21, and 22.**

Note particularly that no minors are allowed to operate or assist in the operation of power machinery that is operated by power other than hand or foot power.

#### **Hours of labor for minors.**

No child under 16 years of age can be employed or suffered to work at any occupation or in any establishment excepting canning or packing establishments for more than 8 hours in any one day, nor more than six days in any one week, nor before 7 a. m. nor after 7 p. m.

**Medical examination.**

Minimum height 4 feet 8 inches.

Minimum weight 75 pounds for any kind of factory work.

Boys under 75 pounds and over 65 pounds allowed to be office boys, errand boys, or messengers.

Girls under 75 pounds and over 65 pounds allowed to be errand girls or messengers.

All, if poorly nourished, kept under observation.

All under 65 pounds refused.

Defects of vision to be corrected before given permits.

For all minor physical defects, treatment to be advised; temporary permits given.

For all serious physical defects permit refused; treatment advised; child sent to family physician or dispensary nearest its home.

**Mentally retarded.**

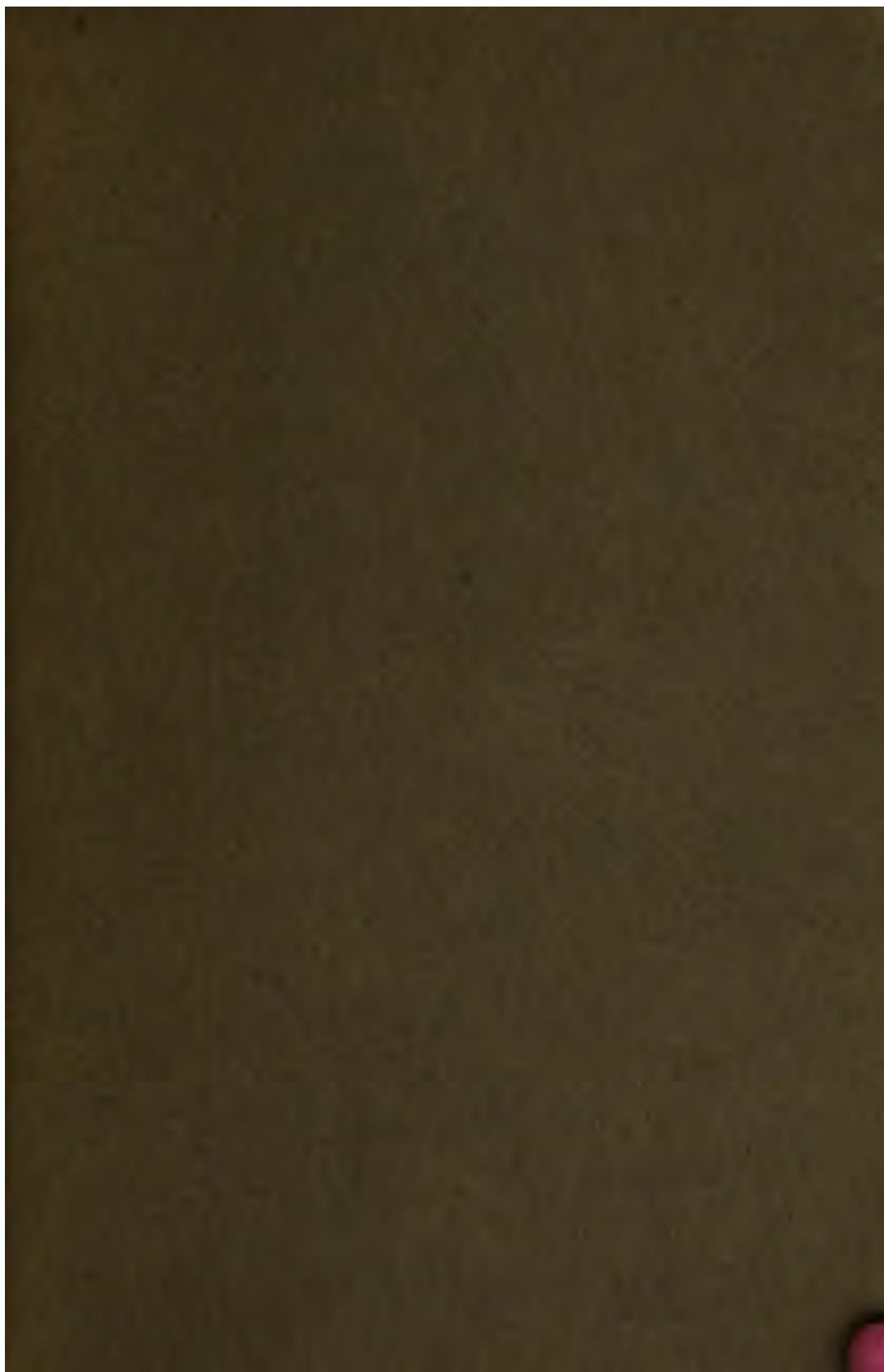
School statement required; thorough physical examination; all physical defects corrected or relieved; mental examination; kept under observation until 16 years of age.

I earnestly urge a strict conformity to these instructions and request that you cooperate with the school attendance officer in your county to accomplish better results in the child labor and school attendance work.

CHAS. F. FOX,  
*Chairman.*









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U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATIROP, CLERK

ILLEGITIMACY LAWS OF THE  
UNITED STATES  
AND CERTAIN FOREIGN COUNTRIES

By

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PROFESSOR OF JURISPRUDENCE AND PUBLIC LAW  
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## LETTER OF TRANSMITTAL.

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U. S. DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU,

*Washington, May 22, 1919.*

SIR: Herewith I transmit the second report issued by the Children's Bureau on the subject of illegitimacy. The first was a translation and brief analysis of the Norwegian laws affecting children born out of wedlock.

This second report contains the exact text of the illegitimacy legislation of the United States, France, Germany, and Switzerland, together with an analysis of the legislation of the United States prepared for the bureau by Ernst Freund, professor of jurisprudence and public law at the University of Chicago Law School. A tabular analysis and a reference index of the illegitimacy laws of the United States are also included in the report.

The material of this report is issued in two forms—one containing Mr. Freund's comment on illegitimacy legislation, the tabular analysis, and the reference index, and the other containing, in addition, the text of the laws.

That the child born out of wedlock should not be punished, but protected, is the guiding principle in modern work for the care of such children as are thrown upon the community for support. In the legislation which formulates the relation of the natural child to his parents and to the community, this principle is also beginning to appear. The need for improved legislation is evident, but legislative changes might well follow careful study of the various angles from which improvement has been attempted in this country and abroad.

Mr. Freund was assisted in the preparation of the tabular analysis by Mr. Roy Massena and Mr. Clay Judson. The reference index was prepared by Mr. Carl A. Heisterman of the Children's Bureau. Miss Anna Kalet of the Children's Bureau assisted Prof. Freund in the compilation and translation of the text of foreign laws.

Respectfully submitted.

JULIA C. LATHROP, *Chief.*

Hon. W. B. WILSON,  
*Secretary of Labor.*



## ILLEGITIMACY LAWS OF THE UNITED STATES AND FOREIGN COUNTRIES.

### COMMENT ON THE ILLEGITIMACY LAWS OF THE UNITED STATES.

Statutes relating to illegitimacy must be read in connection with the common law upon that subject. The common law as well as the interpretation of the statutes is found in the judicial decisions. The English decisions will be found collected in Halsbury's Laws of England, Vol. II, title, Bastardy; the American decisions in the Corpus Juris of the American Law Book Co., Vol. III, title, Bastards (written by Edward C. Ellsbree).

The common law of England, which is also the American common law, is more unfavorable to the illegitimate child than the civil law of Rome, on which the continental legal systems are based, mainly in two respects: It does not recognize a legal relationship even between the mother and the child and it does not allow legitimation by subsequent marriage. The bastard is described as "filius nullius," and this designation characterizes his status from the point of view of the law of property. The natural relationship is, however, recognized for the purpose of applying the law prohibiting marriage within the degrees defined by law (*R. v. Brighton*, 1 B. & S. 447, 1861), and the natural claims of the mother are given effect in determining the right to the custody of the child (*Queen v. Nash* 10 Q. B. 454, 1883), the intimation thrown out by an English judge in an earlier case (*re Lloyd*, 3 M. & G. 547, 1841) that the mother is not different from any stranger, being repudiated in the later decision.

English legislation has done nothing to alter the civil status of the child, but has confined itself to what may be described as measures of police. The legislation of Queen Elizabeth (1576), in addition to certain correctional provisions (see Blackstone, Bk. IV, p. 65), introduced the system of compelling support by the father, which has remained the main feature of the English bastardy law, and which has been taken over by the American States. The duty of the mother to maintain the child was established by the poor law amendment act of 1834 (4 and 5 William IV, ch. 76, sec. 51). The law relating to support by the father (bastardy or affiliation proceedings) was amended by a number of statutes, the last of which was enacted in 1918. The workmen's compensation act of 1906 gives the benefit of its provisions to illegitimate dependents and parents or grandparents dependent upon illegitimates. An act of 1858 (21 and 22

Vict., ch. 93) permits proceedings for a decree declaring the petitioner to be the legitimate child of his parents, but without in any way touching the substantive law or the law of evidence concerning legitimacy, so that the act has no bearing upon the law of illegitimacy.

American legislation has been more active. The English type of bastardy-support legislation has been taken over by nearly all the States and continues to be the dominant feature of our laws concerning illegitimates. In contrast to England, however, there has been also considerable legislation concerning the status and the civil rights of illegitimates. In part this legislation undertakes merely to enact rules of the common law, the acts laying down the presumptions regarding illegitimate birth being of that character. In part the legislation alters the common law by establishing rules more favorable to legitimates. As early as 1785 Virginia introduced the three reforms most conspicuous in this respect: Making the issue of certain annulled marriages legitimate; adopting the civil-law principle of legitimation by subsequent matrimony; and creating rights of intestate succession between the illegitimate child and the mother. It is remarkable that the neighboring State of North Carolina should not have adopted the second of these principles until 1917, New Jersey not until 1915, New York not until 1895; but the three reforms have become law in most of the States, with various modifications. Until recently there has been little legislation bearing on the status of the illegitimate child with reference to the father or greatly altering the father's obligations; the last few years have, however, witnessed some important changes in this respect, and radically new departures were undertaken in two States in 1917. The stagnation of legislative thought on this important subject which characterized most of the States during the greater part of the nineteenth century appears to have come to an end, but the lines that are likely to be taken by new legislation are not clearly marked out.

The following brief analysis of American illegitimacy legislation attempts merely to outline its main features.

The subject will be considered under the following heads: Illegitimacy in relation to marriage and birth; The illegitimate child and the mother; The illegitimate child and the father. Bastardy-support legislation naturally connects with the third of these categories.

### 1. ILLEGITIMACY IN RELATION TO MARRIAGE AND BIRTH.

The child born out of wedlock, and the presumption of legitimacy.

The problem of illegitimacy is mainly concerned with children born of unmarried mothers. However, the law recognizes the possibility that the child of a married woman is not the child of her hus-

band and therefore illegitimate. There is by the common law a strong presumption that a child born of a married woman is the child of her husband and therefore lawful. The presumption is not indisputable, and contrary proof is admitted now somewhat more readily than it was under the earlier law, when it was contended that nothing short of the husband's absence beyond the seas during the period of conception or his apparent incapacity for procreation would suffice to overcome the presumption (Coke on Littleton, 244a). At present it is sufficient to prove that the husband did not have intercourse with his wife during the relevant period, while it is not sufficient to prove that other men had intercourse with her at the time. On general principles of the law of evidence, however, neither husband nor wife may testify as to the fact of intercourse or non-intercourse, but the proof must be furnished by other means.

The matter of presumption is dealt with by statute in a number of States. Louisiana appears to have the fullest provisions in that respect. Georgia (Code, sec. 3012) expresses the rule of the common law by providing:

All children born in wedlock, or within the usual period of gestation thereafter, are legitimate. The legitimacy of a child thus born may be disputed. Where possibility of access exists, except in cases of divorce from bed and board,<sup>1</sup> the strong presumption is in favor of legitimacy, and the proof should be clear to establish the contrary.

Oregon and North Dakota provide that the presumption that the issue of a wife cohabiting with her husband who is not impotent is legitimate is conclusive and indisputable (North Dakota, sec. 7935; Oregon, sec. 798), this provision being intended to be part of a codification of the common law. "Cohabiting with her husband" should, perhaps, be construed to refer to actual access and intercourse; if so construed, it expresses the common law.

California and the States following it (North and South Dakota, Montana, Oklahoma) express the ordinary presumption in favor of the legitimacy of a child born in wedlock, but add that the presumption shall be disputable only by the husband, the wife, or a descendant of either. The latter restriction would make it impossible for a collateral heir to prove illegitimacy in order to establish his own right to succession.

A number of States have special provisions regarding the relation of a decree of divorce to the legitimacy of children, which, in so far as divorce means the dissolution of a valid marriage, are believed to express merely the common law; these provisions will be noted hereafter. The same is probably true of the provision of the Code of Georgia (sec. 3012), also found in Alabama (sec. 3807), that if pregnancy existed at the time of the marriage, and a divorce is sought and

<sup>1</sup> A child conceived after judicial separation from bed and board is not covered by the presumption of legitimacy. (Halsbury, Vol. II, sec. 720.)

## LEGISLATION DECLARING THE ISSUE OF CERTAIN MARRIAGES ILLEGITIMATE.

There is, on the other hand, legislation expressly declaring the issue of certain illegal marriages illegitimate:

a. In case of incestuous marriages or marriages within the prohibited degrees in Massachusetts, Maine, New Hampshire, Vermont, Michigan, Hawaii, and Rhode Island.

b. In case of marriages between persons of different race in Florida, Kentucky, and Nebraska.

c. In case of bigamous marriages in Florida, and, if the same have been annulled, in New Jersey and Kentucky.

d. The law of Illinois has a saving of the issue of divorced marriages except in case of bigamy; the provision for divorce does not apply to incestuous marriages, for which likewise there is no saving provision.

## THE LAW OF LOUISIANA.

The law of Louisiana is altogether peculiar. A distinction is made between the illegitimate offspring of persons who at the time of conception might have legally contracted marriage with each other and the offspring of persons to whose marriage there existed at the time some legal impediment (art. 181). The latter are designated as adulterous or incestuous bastards. Adulterous or incestuous bastards are not legitimated by subsequent marriage (which is possible where the connection was not incestuous), nor can they attain through acknowledgment the status of "natural children" (202-204), nor can they be adopted (214). Even the right of alimony apparently exists only against the mother and her descendants (art. 245; but see arts. 242 and 920). It follows from these provisions that the issue of marriages void either by reason of bigamy or of relationship, so far from having a preferred status, are stigmatized beyond redemption. This is the reverse of the policy adopted by most other States.

## COMMENT ON THIS LEGISLATION.

If the marriage contract is vitiated by an initial defect, the illegitimacy of the issue follows as a logical result, whether the marriage be void or voidable, and it requires some positive rule of law to avoid this result. The rule forbidding the ecclesiastical courts to entertain a suit for nullity after the death of one of the parties to the apparent marriage legitimized the issue of many marriages that fell under the ban of the canon law, but there was no similar saving principle for marriages annulled by the operation of common law or statute, and the reduction of the province of the canon law operated to increase the number of cases of illegitimacy.

There is no need for explaining the policy of saving legislation on behalf of the issue of void marriages; we should ask rather: What is the purpose of withholding legitimation in specified cases of nullity or of express bastardization of the issue in similar or in other cases?



The idea of incestuous or of bigamous marriages is abhorrent to common instincts, and a widespread and deep-seated prejudice exists against miscegenation between races of different color; it is therefore perhaps not surprising that there should be a tendency to carry the invalidity of such unions to every logical consequence. Where, moreover, a formal celebration of a marriage is made mandatory and an informal or so-called common-law marriage is made illegal and null, it will be asked, What is the sanction of such a rule, if the issue of the union is not made illegitimate?

On the other hand, however, it is necessary to consider the legal and practical effect of illegitimacy in such cases. The most conspicuous effect is the loss of the right to inherit. The parent can overcome this by giving through a will what the law denies (a special exception will be noticed later on), but from the point of view of the child it is a pure penalty. There are indeed cases where the withholding of a right to inherit seems justifiable, as e. g., if a wealthy woman should be inveigled into a marriage without her consent (insanity, duress, etc.), it may be contended that offspring in such a case has no claim to share in her or in her family's wealth. But cases of this kind should be carefully considered and specified; and a mere vindictive tendency on the part of the legislator is apt to go wrong. Thus we find some statutes providing that in case of a bigamous marriage the issue shall be legitimate with reference to the party who was competent to marry or the party who was in good faith; yet it is this very party who (or whose relations) may desire to repudiate claims to inheritance on the part of the offspring, while the guilty bigamist is morally bound to take care of the issue. The legislature apparently views this problem purely from the point of view of the lawful wife of the bigamist and her children and safeguards her and their interests at the expense of innocent children. The problem is certainly one deserving careful attention.

Another question concerns the right of children of void or voidable marriages to a name. Ordinarily the illegitimate child bears the name of the mother. Can any good reason be given why, if the union is to be stigmatized, the child should bear the name of the mother, perhaps innocent, rather than that of the father, perhaps guilty?

There remain to be considered custody and support. If the issue of the void marriage is illegitimate, these belong to the mother. There may be no difficulty as to the custody; but the duty of support may be unjustifiable if laid upon the mother alone. The policy of legislation has been for centuries to place part of the burden upon the father; yet upon examination the bastardy laws will be found to be ill suited, or not applicable at all, to the issue of an annulled marriage. Under these circumstances to declare issue illegitimate is to

relieve the father of an obligation. The need for legislation may not be urgent in view of the scarcity of cases of this kind, and of the great probability that children will be cared for; yet there ought to be a provision making it the duty of the father to support the child. Some statutes relating to annulment of marriages give appropriate powers to courts in making decrees of nullity (Connecticut, 5293); but it will be observed that incestuous and bigamous marriages are void without a decree.

A strong case exists for extending to all the States the provision legitimating the issue of void and voidable marriages, or at least of making provision for support and for considering the question of inheritance.

### **Divorce and illegitimacy.**

A considerable number of States have provisions in their divorce statutes relative to the legitimacy of the issue of the divorced marriage, to the effect either that the decree shall not affect the legitimacy of the issue or that the question of legitimacy may be determined by the court or as at common law. If divorce is clearly distinguished from an action of nullity, there can be no ground for holding that divorce in itself bastardizes the issue born before the dissolution of the marriage. A provision may be proper to prevent the ipso facto bastardization of issue conceived before, but born after, the divorce. At common law, however, the presumption of legitimacy may be overcome by positive proof that the husband is not the father of the child; and it serves a valuable purpose to permit, in an action for divorce on the ground of the wife's adultery, the question of the legitimacy of issue to be raised and determined, since without such provision the question, in order to be decided, has to arise incidentally to some litigated question,<sup>1</sup> and the wife's adultery is capable of being established without involving the legitimacy of any child.

There is only one case in which legitimacy is necessarily involved in an action for divorce; and that is where divorce is obtained on the ground of antenuptial pregnancy, since the divorce will not be granted if the husband could have been himself the father of the child. Alabama, Georgia, and Kentucky make express provision for this. The action in such a case is rather for annulment than for divorce. The ground of annulment in such a case is fraud, and the cause of action presupposes that the man is ignorant of the pregnancy. Where a person marries a woman knowing her to be pregnant, he thereby conclusively admits paternity; and any other person is thereby relieved. (62 Iowa 343; 43 Ohio St. 473.)

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<sup>1</sup> Indiana seems to be the only State to permit a special proceeding to establish legitimacy or illegitimacy, which, however, is confined to the case of a prior undissolved marriage unknown to one of the parties.

**Miscellaneous provisions regarding illegitimate children and relationship.**

Notwithstanding the occasional reference in statutes to the legal disabilities of bastardy, the bastard, both at common law and under modern legislation, has the same legal capacity as any other person; the disabilities attaching formerly under other legal systems to illegitimate birth with reference to the right to be admitted to certain callings, guilds, etc., have disappeared.

Modern legislation recognizes, however, the social stain that attaches to illegitimate birth by occasional provisions seeking to shield the child from this stigma.

Thus, while the standard form of birth registration adopted by the United States Bureau of the Census requires the certificate to state whether the child is legitimate or illegitimate, a few States provide that in such a case no identifying data be given, and registration officers are forbidden to disclose facts from which the fact of legitimacy or illegitimacy may be discovered, except on order of a court. (See the provisions of the laws of Massachusetts, the District of Columbia, and Minnesota.) In Massachusetts and New York the record of an adoption proceeding must not disclose whether the child is legitimate or illegitimate. More commonly the law seeks to shield the parents, and particularly the name of the father is not required to be given if the child is illegitimate. The provision of the law of Hawaii requiring the mother of an illegitimate child to state in the certificate of birth the name of the father is unique. It may finally be observed that Minnesota in 1917 took care to substitute the word illegitimate for bastard in the statutes where the latter term occurred.

**2. THE ILLEGITIMATE CHILD AND THE MOTHER.**

The dependent status of the married woman at the common law resulted not only in the absolute dormancy of any legal rights of the mother during the lifetime of the father but exerted its influence even after his death; for the father had power by deed or will to appoint a guardian for his minor children, and the statute granting or confirming this power (1670) ignored any rights of the mother. With such an attitude toward the rights of the lawful mother it is not surprising if we hear little of the rights of the illegitimate mother. She is first recognized in criminal legislation, correctional measures being provided for by statutes 18 Eliz. c. 3, and 7 James I, c. 4 (Blackstone IV, 65). An act of 1623 made it punishable as murder if a lewd woman concealed the birth of her child and the child was found dead, unless she proved that it had been born dead. (Stephen, History of Criminal Law, III, 118.) The concealment of the birth and death of a child has since been made an offense without reference

to illegitimacy. (Criminal law amendment act, 1828, sec. 14.) The poor law amendment act of 1834 gave the illegitimate child the settlement of the mother and imposed upon her a duty of support; and her neglect to maintain the child when able to do so, whereby the child becomes chargeable on the parish, is punishable. (Poor law amendment act, 1834.) The English statute does not appear to recognize other reciprocal rights and obligations between mother and illegitimate child until the workmen's compensation act of 1906, which takes care of actual dependency though based on illegitimate parentage.

The mother's custody of the child was recognized by the courts from the end of the eighteenth century where the child was taken from her by force or fraud, a grant of habeas corpus under such circumstances not necessarily implying a legal right in her to the person of the child. (*R. v. Soper*, 5 Term R. 278, 1793; *R. v. Hopkins*, 7 East 579, 1806.) But in 1883 the court of appeal conceded that the natural relationship gave rise to a right of custody. (*Queen v. Nash*, 10 Q. B. 454.)

The English law has never admitted any right of intestate succession between mother and illegitimate child.

For America we must assume the continued existence of the English common law (unaffected by English statutes) in the absence of proof to the contrary.

The courts of Connecticut have held that by the custom of that Colony and State the relation of the mother to the illegitimate child is substantially the same as to a lawful child, carrying with it rights of inheritance, and enabling the child to take under gifts to the issue of the mother, if "lawful" issue is not expressly specified. (5 Conn. 228, 6 Conn. 35, 12 Conn. 165, 88 Conn. 269.) No such change of custom has been asserted for any other jurisdiction, but a legal relation between mother and child seems to be tacitly assumed. Georgia, where the common law is in a manner codified, declares the mother to be the only recognized parent of the illegitimate child (3028).

American legislation has, however, recognized the relation between mother and illegitimate child in such a manner as to approximate the status to that of lawful parent and child. In this departure it had no English models to follow; the English legislation regarding concealment of birth and death—either confined to illegitimates or generalized—has, however, been generally taken over into our criminal codes. The most important statutory change of the common law is that relating to the right of inheritance; there are in addition scattered provisions relating to custody, guardianship, apprenticeship, and adoption to be noted.

**Right of inheritance.**

The statutes naturally distinguish the right to inherit from the illegitimate child and the right to inherit from the illegitimate mother, the latter right being not so commonly granted as the former. Thus, New York in the Revision of 1828, while giving the mother the right to inherit from the child, expressly declared the illegitimate incapable of inheriting (1 R. S. 753, 754, secs. 14, 19), while Massachusetts in the same year established reciprocal rights, as Virginia had done as early as 1785.

The States differ as regards the right to inherit from the kindred of child or mother as the case may be, and the statutes of each State must be consulted on this point; for the purposes of this summary the following observations will suffice.

The possibilities to be considered are:

**1. AS REGARDS INHERITANCE FROM OR THROUGH THE CHILD.**

- a. The mother inherits from the child.
- b. The mother inherits from the child's descendants (or other kindred).
- c. The mother's kin (or specified near kin) inherit from the child.
- d. The mother's kin (or specified near kin) inherit from the child's descendants (or other kindred).

**2. AS REGARDS INHERITANCE FROM OR THROUGH THE MOTHER.**

- a. The child inherits from the mother.
- b. The child inherits from the mother's kin (or specified near kin), particularly from other illegitimate children of his mother.
- c. The child's descendants (or other kindred) inherit from the mother.
- d. The child's descendants (or other kindred) inherit from the mother's kin (or specified near kin).

(See Dickinson's appeal, 42 Conn. 491, 509.)

A particular problem is presented in adjusting succession rights of or from illegitimates to claims of lawful relatives: Should illegitimate children take from the mother when she has lawful children, and should they take what the mother has received from her lawful husband? Should illegitimate children take only from other illegitimate children or also from her lawful children?

The natural order should, of course, be adhered to; i. e., the mother should not be admitted to succession in concurrence with the children or issue of the illegitimate, nor in preference to, or perhaps not even in concurrence with, the illegitimate's lawful spouse.

There is some danger in overlooking these common orders of priority where succession rights based on illegitimacy are introduced by separate legislation. Thus, in 1917 Delaware gave the illegitimate an unqualified right of succession from the mother, thereby, if effect were given to ordinary rules of construction, ousting the rights of the mother's lawful children; and a number of States in giving the

child are by the common law strangers to each other. A father may receive an illegitimate child into his family and treat it as his own, and he may remember it by will, but if he gives to his children by a named woman, not his wife, generally, so as to include children other than those recognized by him as such at the time of the will, the gift is held in England to be void for uncertainty, since the law will not inquire whether children born by a woman through illicit intercourse are born of this or that particular man. For this civil purpose, then, the English law adopts the principle of the French Code, superseded only in 1912, that inquiry into paternity will not be undertaken. The will may, however, give to the children of the woman, or even to the children of the woman who are reputed to be the testator's, since the testator's actual paternity in that case is irrelevant. (*Hastie's Trusts*, 35 Ch. D., 728.)

The statute law of England takes cognizance of the relation between father and illegitimate child only in the bastardy support legislation, to be more fully noted presently, and the workmen's compensation act of 1906 (sec. 13).<sup>1</sup>

### **American legislation.**

*a. Legitimation.*—While most American States provide for legitimation of illegitimate children by the marriage of the parents, only a minority of States permit legitimation without such marriage. Such provision may be desirable where the death of the mother prevents a marriage to the father.

Legitimation where permitted is either formal or informal; if formal, either through a judicial proceeding or without one.

Legitimation by judicial proceeding is found in Alabama, Georgia, Mississippi, North Carolina, and Tennessee. The method is a simple petition for a decree or order legitimating the child, and, if so desired, giving him the name of the father; the latter consequence, it seems, does not need special provision. The right to inherit is generally expressed in terms; this provision, if, as in Mississippi, confined to declaring the child the heir of the father, is calculated to throw doubt on the right of the father to inherit from the child, which is a consequence of legitimacy. The reciprocal right is expressly declared in North Carolina.

In Michigan legitimation is effected by a writing executed and recorded like a deed; the child becomes legitimate to all intents and purposes. In Louisiana legitimation requires a notarial act.

California illustrates the type of informal legitimation: "The father of an illegitimate child, by publicly acknowledging it as his own, receiving it as such, with the consent of his wife, if he is married, into

<sup>1</sup> The national insurance act, 1911, defines dependents as including such persons as the approved society or insurance committee shall ascertain to be wholly or in part dependent upon his earnings (sec. 79). The war-pension legislation likewise speaks of "dependants."

his family, and otherwise treating it as if it were a legitimate child, thereby adopts it as such; and such child is thereupon deemed for all purposes legitimate from the time of its birth."

The same or a similar provision is found in (among other States) Arizona, Maine, Montana, Oklahoma, North and South Dakota, Nevada, and Utah.

Where no provision is made for legitimation (i. e., in the majority of States), practically the same effect can generally be accomplished by adoption. (See, e. g., Vermont, sec. 3757.) Adoption may have the advantage of not disclosing the fact of illegitimate parentage and birth, which outweighs the theoretical benefit of removing the stain of illegitimacy by formal legitimation. If adoption may leave the child outside the scope of gifts made to the issue of the adopting person, the same doubt may arise in case of legitimation, for it is not clear that a gift to the lawful issue of a person would apply to legitimated issue.

A difficulty exists under adoption laws like that of Illinois where a person may adopt only a child not his own. Here there is no way of giving the illegitimate child a better status after the mother has died. An act of Illinois of 1915 expressly allows a person to adopt the child of his wife, but the difficulty with regard to the illegitimate child is not removed.

Where the mother is alive, legitimation should not be permitted, except by marrying her, or without her consent, if the father is married to some other woman. Under the existing laws regarding legitimation, difficult questions may arise as to the respective rights of father and mother after legitimation, illegitimate competing with legitimized parentage. (*Templeman v. Brunner*, 42 Okla. 6.) Where the mother is alive and the father can not marry her, adoption seems the more appropriate proceeding, since the adoption laws take cognizance of the rights of the natural parent.

*b. Rights of inheritance.*—Some States give, without express legitimation, a right of inheritance to a child in case of acknowledgment by the father. California attaches this effect to an acknowledgment in writing, but so that the child does not represent the father in inheriting from the latter's kindred.

Kansas grants this right as follows: "[Illegitimate children] shall inherit from the father whenever they have been recognized by him as his children; but such recognition must have been general and notorious, or else in writing" (3845). The provision in New Mexico is the same. Iowa, and since 1917 also Wisconsin, add to the latter provision a right to inherit from the father whose paternity has been

the parts of codes or revisions dealing with crimes. In the course of a full discussion the Supreme Court of Massachusetts says (*Hill v. Wells*, 6 Pick. 104, 1828):

This process being neither wholly civil nor criminal, but having many of the features and incidents of each, we are left to determine from the manner in which the legislature has treated it whether they intended to include it in the one or the other class of suits. And they might well, in some respects, treat it as a civil, and in others as a criminal, suit.

Warrant and commitment are borrowed from criminal procedure; statutes use the term "guilty," "conviction," and "fine"; Georgia speaks even of the mother as an offender; in Pennsylvania an indictment is found against the alleged father.

On the other hand, the fact that the defendant may be proceeded against in his absence and the finding against him be based upon a mere preponderance of proof stamps the proceeding as civil. We find it distinctly provided that while the prosecution shall be in the name of the State, the rules of evidence and of competency of witnesses, and the trial, shall be governed by the law regulating civil suits. (*Indiana*, 1015, 1018; *Kansas*, 4026.)

In most States the proceeding is exclusively against the father; but in New York a mother possessed of property and failing to comply with an order of support may be committed until compliance or execution of an undertaking; and the regular compulsory proceedings for the support of poor relatives may be expressly made available against the mother of an illegitimate child. (*Iowa*, 2250.)

The absence of a common-law duty of support bears upon the construction of statutory clauses proclaiming a duty of maintaining illegitimate children in general terms. If the duty is a purely statutory one, the method pointed out by statute for enforcing it must be pursued as the exclusive remedy; if the duty were a common-law duty, it might be contended that a suit at common law was available as a cumulative remedy. Such general clauses are, however, very exceptional.<sup>1</sup>

It should also be borne in mind that the only remedy at common law to enforce a duty of support is a suit for reimbursement by one who has furnished the support. A direct action to enforce support brought by the child or on its behalf against the father is unknown to the common law.

The absence of a common-law duty should also be considered when it becomes a question of making family desertion and non-support laws applicable to illegitimate children, as is done in a number of States. The offense of deserting one's family is different from the offense of not supporting an illegitimate child, and to cover the two offenses indiscriminately by one provision tends to

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<sup>1</sup> *Moncrief v. Ely*, 19 Wend. 406.



confuse different kinds and grades of obligation. There is likely to be a disposition on the part of legislative bodies to differentiate and to treat the default with regard to illegitimate children as an offense of less degree.

#### English bastardy law.

The foundation of the English bastardy law is found in 18 Elizabeth, ch. 3, 1575-1576, which reads as follows:

Concerning bastards begotten and born out of lawful matrimony, (an offence against God's law and man's law) the said bastards being now left to be kept at the charges of the parish where they be born, to the great burden of the same parish, and in defrauding of the relief of the impotent and aged true poor of the same parish, and to the evil example and encouragement of lewd life: (2) it is ordained and enacted by the authority aforesaid, That two justices of the peace (whereof one to be of the quorum, in or next unto the limits where the parish church is, within which parish such bastard shall be born, upon examination of the cause and circumstance) shall and may by their discretion take order, as well for the punishment of the mother and reputed father of such bastard child, as also for the better relief of every such parish in part or in all; (3) and shall and may likewise by like discretion take order for the keeping of every such bastard child, by charging such mother or reputed father, with the payment of money weekly or other sustentation for the relief of such child, in such wise as they shall think meet and convenient: (4) and if after the same order by them subscribed under their hands, any the said persons, viz. mother or reputed father, upon notice thereof, shall not for their part observe and perform the said order; that then every such party so making default in not performing of the said order, to be committed to ward to the common gaol, (5) there to remain without bail or mainprise, except he, she or they shall put in sufficient surety to perform the said order, or else personally to appear at the next general sessions of the peace, to be holden in that county where such order shall be taken, (6) and also to abide such order as the said justices of the peace or the more part of them then and there shall take in that behalf (if they then and there shall take any), (7) and that if at the said sessions the said justices shall take no other order, then to abide and perform the order before made as is above said.

It will be observed that, while there is a perfunctory reference to lewdness and to bastardy as offenses against God's law and man's law, the main purpose of the act is to relieve the parish from the burden of support, and that the liability for such support is placed upon mother and reputed father alike. The liability of the father as against the mother is not emphasized until the act of 49 Geo. III, ch. 68 (1809). (Nicholls, *History of English Poor Law*, II, 138.)

The original legislation thus remained practically unaltered for over 200 years. An act of 1844 (7 and 8 Vict., ch. 101) further modified the principle of the earlier law by giving the primary claim for support to the mother instead of, as theretofore, to the poor-law authorities. The bastardy acts of 1872 (35 and 36 Vict., ch. 65) and 1873 (36 Vict., ch. 9), which constitute the present law upon the subject, again give the poor-law authorities the right to proceed where the child has become chargeable to the public. An act of 1914 provides for the appointment of a collecting officer to enforce the payments

Civil Code). Since at common law the liability of the father to support his lawful child (assuming it to exist as a legal liability) is not the subject of a direct action by the child against the father, some method of enforcing this obligation had to be indicated, and this was done by reference to the provisions for enforcing the duty of the divorced husband to provide for the maintenance of wife and children.

Bastardy, i. e., the begetting of an illegitimate child, is made a misdemeanor and prosecuted as such in Pennsylvania (fornication and bastardy), Nevada, and Massachusetts (under the recent act of 1913).

The duty of maintenance can likewise be enforced by criminal prosecution, where nonsupport or abandonment laws are made to apply to illegitimate as well as to legitimate children. This is the case in California, Colorado, Connecticut, Delaware, Massachusetts, Nebraska, New Hampshire, Ohio, Pennsylvania, West Virginia, and Wisconsin. The same is true, in effect, of the law of Minnesota (1917), which State also punishes the father who absconds in order to avoid proceedings while the woman is pregnant or within 60 days after the birth of the child.

The following jurisdictions are, as far as ascertainable, without bastardy support legislation: Alaska, Idaho, Missouri, New Mexico, Texas, Virginia,<sup>1</sup> and Washington.<sup>2</sup> For the District of Columbia such legislation was not enacted until 1912; for Oregon not until 1917. The absence of legislation in Missouri has been commented on judicially (*Easley v. Gordon*, 51 Mo. App., 637).

An abstract of several statutes representing the types of legislation above indicated will be useful as an introduction to a discussion of particular features of bastardy laws and a comment upon them.

The briefer form of enactment providing for the ordinary proceeding will be illustrated by Florida; the longer, by Illinois; the civil obligation, by California; the criminal liability, by Massachusetts; the civil action in the name of the State, by Iowa.

#### **The law of Florida, as a type of a brief support-enforcing act.**

A single woman, pregnant or having been delivered of a bastard, may complain to a county judge or justice of the peace of her district and accuse some one of being the father of the child. Process is then issued against the person accused to bring him before the magistrate, and upon his appearance the parties and their evidence shall be heard. If sufficient cause appears, the accused is bound in bond with security to appear at the next term of the circuit court in the county. In the circuit court the issue is tried by a jury. The reputed father has the right to appear by counsel. If the issue is

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<sup>1</sup> A bastardy act of Virginia was repealed by the Code of 1887.

<sup>2</sup> In 1919 a bastardy support law was enacted in Washington.

found against him, he is condemned by the judgment to pay the expenses attending the birth of the child at the discretion of the court, and \$50 yearly for 10 years toward the support and education of the child. The defendant shall give bond, with security approved by the court, for such payments to be made to the mother. The bond has the effect of a judgment, and execution may issue as often as money becomes payable. If the child is not born alive, or dies, the bond becomes from then on void. On failure to comply with the judgment the defendant is imprisoned for a term specified by the court, not to be longer than one year.

The law of Illinois, as representing the more elaborate type of the support-enforcing law.

An unmarried woman, pregnant or delivered of a bastard, may complain to a justice of the peace of the county in which she is pregnant or delivered, or where the accused may be found, and accuse on oath a person of being the father. The justice thereupon issues his warrant against such person, to have him brought before him or some other justice. The warrant may be executed in any county of the State.

Upon appearance of the accused, the justice in his presence examines the woman on oath. The defendant may controvert the charge. If sufficient cause appears, the accused is bound in bond with sufficient security to appear at the next county court (in Cook County, in the criminal court). On neglect or refusal to give bond and security the accused is committed to the county jail. The issue is tried by a jury, the defendant having the right to controvert the charge.

The case is continued until the birth of the child and until the mother is able to appear, the defendant being placed under recognizance to appear. The mother and the defendant are competent witnesses, their credibility being left to the jury. If the jury find for defendant, he is discharged and the mother is liable for the costs. If the issue is found against the defendant or he confesses, he is condemned to pay not exceeding \$100 for the first year, and not exceeding \$50 yearly for nine succeeding years, for the support and education of the child, and also the costs of the prosecution. For the making of such payments he shall give bond with sufficient security. The payments are to be made in quarterly installments to the clerk of the court. On refusal or neglect to give security, the defendant is committed to the county jail until he complies with the order or is discharged according to law, the discharge not to be made within six months. The money is applied for the support of the child as directed by the court. If a guardian is appointed for the child, the money is paid to the guardian. Upon default in any installment,

principal and sureties in the bond are cited to show cause why execution should not issue. Execution after judgment on bond is issued against goods and chattels of the principal and sureties. Upon such default the judge has also power to adjudge the father guilty of contempt and commit him to the county jail until payment; but the commitment does not stay execution. Provision is also made for making the judgment a lien upon the defendant's real estate.

If the mother is living and desires the custody of the child, the father is not entitled to it until the child arrives at the age of 10, unless on notice to the mother and on full hearing she is found not to be a suitable person. If the child is not born alive, or dies, the bond shall from then on be void. The bond also becomes void upon intermarriage of the parents, which makes the child legitimate.

Prosecutions must be brought within two years from the birth of the child; the time during which the accused is absent from the State is not counted. The mother may release the father upon terms consented to in writing by the county judge. In the absence of such consent, a release for less than \$400 is not a bar to a suit, but the amount paid is credited. For \$400 the liability may be released by the mother without the consent of the judge.

**The statute of California, as illustrating a general civil obligation.**

The Civil Code provides in section 196a, enacted in 1913: The father, as well as the mother, of an illegitimate child must give him support and education suitable to his circumstances. A civil suit to enforce such obligation may be maintained on behalf of a minor illegitimate child by his mother or guardian, and in such action the court shall have power to order and enforce performance thereof, the same as under sections 138, 139, and 140 of the Civil Code in a suit for divorce by the wife.

Section 140 provides: The court may require the husband to give reasonable security for providing maintenance or making any payments required under the provisions of this chapter and may enforce the same by the appointment of a receiver or by any other remedy applicable to the case.

According to section 139 the court may compel the husband to provide for the maintenance of the children.

California also makes the nonsupport of an illegitimate child a criminal offense.

**The law of Massachusetts, as the type of a penal statute.<sup>1</sup>**

A person who gets a woman with child, not being her husband, is guilty of a misdemeanor. Proceedings may be instituted in a municipal district or police court either where the man or where the woman lives. If the defendant pleads guilty or is found guilty, the court enters a judgment adjudging him the father of the child. After a

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<sup>1</sup> Laws of 1913, ch. 563.

plea of not guilty, such judgment can not be entered against him against his objection, until the child is born or the mother is found six months advanced in pregnancy. The defendant may appeal to the superior court as in other criminal cases. Subject to appeal and grant of new trial, the adjudication, whether a sentence be imposed or not, is final and conclusive.

If the court is satisfied that no living child will be born of which the defendant at the time of the complaint was the father, or that the defendant and the mother have married each other, or that adequate provision has been made for the maintenance of the child, the complaint may be dismissed and any adjudication vacated. If at the time of adjudication the child is not born, the case is continued until the child is born. A payment to the mother or a probation officer may be ordered for confinement expenses. Failure to pay may be punished as contempt of court by two months' imprisonment in jail, unless the order is sooner complied with.

After adjudication, the court may also make an order for the care and custody of the child and revise the same from time to time. After adjudication and after birth of the child, the defendant shall be liable to contribute reasonably to the support of the child during minority and shall be subject to all penalties and orders for support and maintenance provided in case of a parent unreasonably neglecting to provide for a minor child under the act of 1911, the practice of that act to be followed by analogy.

(The act of 1911, ch. 456, provides for suspension of sentence and placing the defendant on probation; the court may order him to make periodical payments to the probation officer; the court may also release him from probation on his entering into recognizance with or without surety, in such sum as the court may order. If the defendant violates the order, the court may sentence him or enforce the suspended sentence.)

Any father of an illegitimate child, whether the child has been begotten within or without the State, who neglects or refuses to contribute reasonably to the support and maintenance of the child is guilty of a misdemeanor, and upon conviction is liable to the penalties and orders provided for by chapter 456 of the Laws of 1911.

If there has been a final adjudication under the first paragraph, it is conclusive. Otherwise the question of paternity is established in proceedings under the last preceding paragraph.

**The law of Iowa, as the type of a civil action prosecuted by the State.**

When a woman residing in any county of the State is delivered of an illegitimate child, or is pregnant with such child, any person may complain to the district court of her residence charging the proper person with being the father. The proceeding is entitled in the name

of the State against the accused as defendant. Notice is given to the defendant by the clerk of the court. The filing of the complaint creates a lien upon the real property of the accused in the county. If the complaint is verified, the judge may order an attachment without bond, specifying the amount of property to be seized, and revocable at any time on terms. The county attorney prosecutes on behalf of the complainant. Trial is had as in ordinary actions. If the accused is found guilty, he is charged with the maintenance of the child in such sums and in such manner as the court shall direct. Execution may be issued for any sum ordered to be paid. The sum may be increased or diminished or order vacated on such notice as the judge may prescribe.

The law of Iowa lacks provision for commitment to jail, the supreme court of the State having held that this constitutes imprisonment for debt and is unconstitutional. (*Holmes v. State*, 2 Iowa 501, 1850.)

### COMMENT ON PARTICULAR FEATURES.

#### 1. THE COURTS HAVING JURISDICTION.

In the ordinary form of bastardy proceeding the jurisdiction is divided between a magistrate (justice of peace, police justice, county judge) and a court having regular jurisdiction in civil or criminal cases (circuit, district, superior; sometimes also county court). The magistrate receives the complaint, issues the warrant, and conducts the preliminary hearing as the result of which the defendant is discharged or bound over; and the court tries the case, gives judgment, and enforces it. The preliminary proceeding is dispensed with where there is simply a civil suit.

The magistrate is authorized to try the case in Delaware, New Jersey, New York, and North Carolina, subject to an appeal to the higher court. This permits a disposition, in many cases final, by a tribunal which is not confined to intermittent sittings at infrequent terms.

In the District of Columbia and in Hawaii the juvenile court is given charge of bastardy proceedings. The advantages of having bastardy proceedings, at least in their preliminary stages but preferably all through, in the hands of courts accustomed to dealing with social problems and with quasi delinquents who are not ordinary criminals are obvious; but the appropriate organs will not always be available in every part of the State. In metropolitan courts there is apt to be sufficient flexibility of organization to permit of the assignment of bastardy cases to specially qualified judges, and this is done in the municipal court of Chicago, where a branch of the court, called the court of domestic relations, takes charge of all bastardy complaints.

## 2. DISTRICT OF JURISDICTION.

The majority of States require the complaint to be lodged in the court of the district where the woman resides or where the child is born, and only under a relatively small number of laws (e. g., Illinois, Indiana, Maryland, Mississippi, New Hampshire, South Dakota, Utah) is the jurisdiction available in which the alleged father resides. The dominant idea seems to be that the proceeding belongs to the forum of the district which would have to bear the charges of supporting the child if the father can not be made amenable.

It will be shown later on that there are important considerations for making the forum of the defendant's residence generally available for bastardy proceedings irrespective of the residence of the mother.

The nonsupport or abandonment act of Ohio, which applies to illegitimate children, provides that the offense shall be held to have been committed in any county in which the child or pregnant woman may be at the time the complaint is made (13011, 13014), and, further, that citizenship once acquired in the State by a parent of an illegitimate child living in the State, for the purpose of the law, shall continue until the child has arrived at the age of 16 years, provided the child so long continues to live in the State (13021). Colorado has a similar provision. These provisions are apparently intended to be in aid of jurisdiction, but their effect is not entirely clear.

## 3. AT WHAT TIME THE PROCEEDING MAY BE INSTITUTED.

Most laws allow the complaint to be preferred either when the woman is pregnant or after she has been delivered of the child. The institution of proceedings prior to birth is permitted in order to give an opportunity for compelling the defendant to give security for appearance and compliance with support orders. In some States, particularly in New Jersey and New York, provision is also secured for sustenance during confinement and the expenses thereof. In a few States (Arizona, Nebraska, Ohio, Oregon) the law permits at the first hearing a settlement with the mother by payment or by giving security.

## 4. STATUTE OF LIMITATIONS.

Many statutes set a limit of time for the institution of bastardy proceedings ranging from six months (Hawaii) to four years (Utah), counted usually from the birth of the child. A limitation thus counted fails to take account of a very possible contingency. The father of an illegitimate child may maintain it or contribute toward its support for the period specified in the statute and then discontinue his payments. Any statutory proceeding would thereafter be barred by the defense that the time for making a complaint had expired. This defect is met by making the statutory period of limitation count from the

birth of the child, unless there have been payments toward its support, and in the latter event from the last payment or from the last acknowledgment of liability. A number of States guard the limitation accordingly (so Alabama and Maryland). Mississippi saves the right of the supervisors of the poor to bring proceedings.

If the begetting of a bastard child is made a crime, it will be necessary, in order to avoid the bar of the statute of limitations, to make nonsupport of the illegitimate child a distinct offense. This is done in Massachusetts.

If the father's obligation is looked upon as a continuing obligation in favor of the child, there is ground for excluding the statute of limitations altogether.

#### 5. WHO MAY COMPLAIN.

The parties that ordinarily come in question are the mother or expectant mother and the proper authorities that would be charged with the support of the child.

Under the Iowa law "any one" may complain. Under such a provision conceivably a representative of some charitable organization might act as complainant. The right might become objectionable if the unofficial complainant or the county attorney conducting the case for him were authorized to compel the woman to disclose the name of the father. Such disclosure should be compelled only for the purpose of relieving the public of the expense of caring for the child.

Poor-law authorities are authorized to institute proceedings in many States, either concurrently with the mother or if she fails or neglects to prosecute (so in Arizona, Connecticut, Nebraska, New Hampshire, Vermont, Michigan); and in New Jersey and New York they alone can institute proceedings. Their authority was also exclusive under the first English act. Such a power will be exercised practically only if the child is liable to become a public charge. In that case it may become important to provide that the woman may be compelled to disclose the name of the father—a provision which is, of course, unnecessary if the woman acts herself as complainant. This obligation to disclose exists in a number of States if the mother is unable to give security for the support of the child. (See, e. g., Arkansas, Maryland, Georgia, North Carolina, South Carolina, Tennessee; also 4 Wend., N. Y., 555, 1830.)

Some States speak of the complaining mother as "a woman," others as "a single woman." The use of the latter term makes it doubtful whether a woman whose husband is living and undivorced can act as complainant. It is not easy to discover a clear policy favoring such restriction. In view of the strong presumptions in favor of legitimacy, frivolous or vexatious charges by married women are



unlikely. On the other hand, it may easily happen that a deserted wife or one living apart from her husband may become a mother under circumstances which make it possible at common law to establish the illegitimacy of the child. The equities in her favor may be as strong as in favor of an unmarried mother, and certainly the case of relieving the public from the charge of support is equally urgent. In view of these considerations the term "single woman" employed in the English bastardy acts has long been construed as including a woman living separate from her husband (see 1901, 1 K. B., 118), but American courts have failed to follow this construction (3 Dana, Ky., 453; 8 Vt., 70), and the term "unmarried woman" could not well be so interpreted. West Virginia makes special provision for complaint to be made by a married woman living separate from her husband for one year or more.

The question whether bastardy-support proceedings should be allowed in favor of a woman of ill repute is rightly treated not as one of right of action but merely of evidence. Louisiana and South Dakota seem to be the only jurisdictions making reference to this point, the former by providing that the oath of the mother is not sufficient to establish paternity, if she be known as a woman of dissolute manners or as having had unlawful connection with one or more other men before or since the birth of the child (art. 210); the latter, by admitting evidence of previous unchastity of the female (sec. 810). The analogy of seduction where previous chastity is required does not apply, for in bastardy proceedings it is the right of the child and not that of the mother which furnishes the primary consideration in allowing a cause of action. Unchastity is relevant, because it renders it difficult to fix the charge of paternity upon one particular man.

Statutes sometimes speak of preferring the complaint in a district where the child is chargeable. This raises the question whether bastardy-support proceedings are admissible where the mother is able to bear the charge of the child's maintenance. The connection between bastardy and poor-relief legislation seems to indicate such a restriction, but the equities on behalf of the mother favor a more liberal view. The limitation is clearly implied where only the poor-relief authorities have the right to institute proceedings, as in New Jersey and in New York.

In Tennessee the statute is explicit upon this point. It provides (sec. 7347) that the county court shall make no provision for a bastard except when he is or is likely to become a county charge, and states (sec. 7348) that the object of the provision for the bastard's support is to indemnify the county against the same.

A number of States require bastardy proceedings to be conducted or prosecuted by a public prosecuting officer (county attorney, district

attorney, State's attorney); so Iowa, Kansas, Kentucky, Montana, North Dakota, Oklahoma, Utah, West Virginia, and Wisconsin; and this would be the regular course where the proceedings are criminal. The majority of State laws are silent on the point.

Under the recent legislation of Minnesota (1917) the State board of control is authorized to initiate all legal and other action to secure proper provision for the illegitimate child.

#### 6. PROCESS AND PRELIMINARY HEARING.

Upon a complaint in conformity to legal requirements (in writing, or reduced to writing by the magistrate, including oath charging some person with being the father) the justice issues process against the person charged. Unless the proceeding is purely a civil action, this process is a warrant of arrest and not a mere summons, and either by express provision or by the application of general rules this warrant may be served anywhere in the State.

In most States the service of the warrant seems to be an indispensable prerequisite for further proceedings. Indiana permits the complaint to be heard and determined though the defendant can not be found; but it has been held that constructive service can not be made the basis of a personal judgment (*Moyer v. Bucks*, 2 Ind. App., 591; *Beckett v. State*, 4 Ind. App., 136). In New Jersey, New York, Ohio, and Wyoming an order of attachment may be issued against property of a defendant who has absconded or conceals himself; the property attached may then be sold to satisfy the order of the court.

The problem of proceeding against an absent defendant will be discussed later on.

In Iowa where the proceeding is purely civil, as well as in Montana and Oklahoma, the filing of the complaint creates a lien upon the defendant's real estate in the county, and an order may issue attaching his other property; in Indiana such lien on real estate is created if upon the first hearing a finding has been made against the defendant.

Upon the service of the warrant the defendant is sometimes permitted to give an undertaking for his appearance at the final trial; but ordinarily the arrest is followed by a preliminary hearing before the committing magistrate, who examines the complainant, and may hear evidence on behalf of the defendant; there is no power to require the defendant to testify.<sup>1</sup> West Virginia requires a recognizance from the accused without any provision for a hearing. If no probable cause is found, the defendant is discharged; it has been held that this discharge is a bar to subsequent proceedings (5 Hill, N. Y., 443),

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<sup>1</sup> Alabama says the justice "may examine the accused" (sec. 6306).

and this is expressly provided in Connecticut, subject to an appeal to a higher court (sec. 6006).

If the examining justice finds a *prima facie* case for the complainant, he binds the defendant over for trial. That is to say, the defendant must give security that he will appear at the trial and abide by the order of the court; sometimes also that he will indemnify the county from expenses. In New York and New Jersey the security also covers the expense of confinement; in Georgia it covers the entire expense of the maintenance and education of the child until it reaches the age of 14 years. If the defendant fails to give such security, he may be committed to jail. The security is by bond or recognizance in a sum fixed by the judge within statutory limits, which vary between \$200 and \$2,500, and generally required to be with sufficient surety or sureties.

In Pennsylvania, under a law of 1917, the court may discharge the defendant upon his own recognizance without security.

Mississippi provides that others than the parties, officers, and witnesses may be excluded from the preliminary hearing.

#### 7. TRIAL.

The trial is in most States held after the birth of the child. A peculiar provision in Vermont says that a woman is not compellable to answer as to her pregnancy until 30 days after delivery (sec. 3123). In Massachusetts the adjudication may be made when the mother is six months advanced in pregnancy. In New York and North Carolina, where the charge may be tried in the first instance (subject to an appeal) by the justice of the peace, this trial may likewise take place before the birth of the child, but on appeal to the sessions the defendant must be discharged if the child is not born alive.

The trial is often required to be conducted as in civil cases, which means among other things that it may be had in the absence of the defendant and that judgment may be based upon preponderance of evidence. A jury may be had on demand, but—the case not being criminal—is not indispensable to the validity of the judgment. Several States provide for the exclusion of strangers or the public from the trial, so Michigan (sec. 15700) and New York (Judiciary Law, sec. 4); in Minnesota the records of the proceedings are shielded from publicity (sec. 3225e).

#### 8. EVIDENCE.

There are few statutory provisions regarding evidence in bastardy proceedings. The English rule that the evidence of the mother must be corroborated (sec. 4 of act of 1872) has been incorporated in the recent act of Oregon (1917) but does not otherwise prevail in America. Louisiana forbids judgment in favor of the mother upon her own oath supported by proof of cohabitation with the alleged father out

of his own house, if she has had before or since the birth of the child intercourse with other men, or if she be known as a woman of dissolute manners (art. 210). The provision in South Dakota (sec. 810) that evidence of the previous unchastity of the female shall be admissible goes beyond the rule of the common law where such evidence is admitted only to show the possible paternity of another (*Corpus Juris*, Bastardy, p. 990). Connecticut expressly permits evidence of good character in behalf of the person accused as being the father (sec. 6014).

A peculiar feature of the law of evidence in bastardy proceedings is furnished by the accusation in travail or extremity of labor.<sup>1</sup>

On general principles the deposition of the mother, made against the defendant before trial without notice to him, would not be admissible against him (1 Root, Conn., 154), but it might be different if the deposition were a dying declaration, and the statutes of Arkansas, Delaware, and Mississippi expressly admit such a dying declaration made in childbirth.

The accusation in travail which we find in the legislation of the New England States, of Pennsylvania, and of some other jurisdictions is, however, not a dying declaration, but simply a statement made concerning the paternity of the child during the labor of childbirth and constantly adhered to. Such an accusation was in the earlier New England legislation required as a foundation for bastardy proceedings, and later became merely admissible evidence, the woman being now allowed to testify as to her own statement (*Akeson v. Doidge*, 225 Mass. 574, 114 N. E. 736), while formerly when parties in interest were incompetent to testify evidence of the accusation in travail had to be given by others (2 Mass. 411).

The law of Tennessee on the subject of proof is altogether peculiar. If the mother upon oath accuses any man of being the father of the illegitimate child, the person accused is, upon the hearing at the county court, adjudged the reputed father of the child unless he file an affidavit clearly setting forth that justice requires an issue to be made to try the truth of the charge. If the affidavit denies sexual intercourse with the mother of the child from the first of the tenth month to the first of the sixth month next before the birth of the child, it shall be received as evidence on the trial (secs. 7342, 7343).

This provision can be traced back to a colonial law of North Carolina (1741, ch. 14), which requires the defendant to be adjudged the father of the child upon the charge on oath of the mother. Even now in North Carolina the finding is required to be against the defendant at the first hearing unless he deny the woman's charge under oath (sec. 254), and the woman's charge is presumptive evidence on appeal (sec. 255).

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<sup>1</sup> The statement of the woman is also accorded special credit in the earlier French law (*Beaudry-Lacan-nerie*, *Personnes*, No. 671).

## 9. JUDGMENT OR ORDER.

If on the trial the issue is found against the person charged, the substance of the judgment against him is an order for support, although in some States the judgment takes instead thereof, or in addition thereto, the form of a fine. Expenses for confinement are expressly provided for in a few States (Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, and Wisconsin).

The amount of the support is quite commonly in the discretion of the court or sometimes of the jury, without fixing any standard of maintenance either by the station in life of the mother or of the father. In some of the States, particularly in New England, the law merely requires that the father assist the mother in the support of the child.

Where the civil obligation of support is thrown in general terms upon the father, as it is in California, care should be taken to see that the general law of parent and child places a concurrent or subsidiary duty of support upon the mother, since otherwise she may be relieved entirely. The law of California covers this point clearly.

The order or judgment is usually not for one lump sum but for annual, monthly, or weekly payments. Under some laws the person to whom the payment is to be made is not specified, the duty being merely to pay toward the support of the child, in which case the mother would be the natural recipient; sometimes the payment is directed to be made to her; in other laws, to designated authorities (clerk of court, poor-law authorities) or to a guardian of the child; sometimes, in the alternative, to the mother, or if she be an improper person (or dead) to a person designated by the court (Indiana, sec. 1027); in Connecticut, to the selectmen, if the mother misapplies the money paid to her (6008); often "in such manner as the court shall direct." It seems that a continuing discretion of the court is the wisest form of legislative provision to care not only for differences between individual cases but for varying conditions in the same case.

In England under the act of 1844 (7 and 8 Vict., ch. 101) the payment was made to the mother, unless she was under special disabilities (unsound mind, under sentence). The law was, however, changed in 1914 (affiliation orders act, 1914): All payments are made to a collecting officer of the court, and he may proceed for recovery of payments. The collecting officer pays to the mother or to such other person as is named in the affiliation order the amount paid to him without any deduction, his remuneration (not to exceed 5 per cent of the amount paid through him) being paid out of public funds. The payments under the English act are made weekly.

The different State laws grant sums that vary greatly in amount. In North Carolina the judgment is for a fine of \$10 and a single pay-

ment of \$50; Arkansas gives from \$1 to \$3 a month; South Carolina, \$25 a year; Tennessee, \$40 the first year, \$30 the second, and \$20 the third; Maryland, which until 1912 allowed not exceeding \$50 per year, changed the amount to \$15 per month; Delaware allows \$5 to \$10 a month. The two most liberal States' allowances are not exceeding \$250 the first year and \$150 each of the next succeeding 10 years in South Dakota and not exceeding \$200 for the first year and not exceeding \$150 per year for the next succeeding 17 years in Utah.

That the legislature in fixing low amounts did not on the whole run counter to prevailing sentiment appears from the indications that reported cases give as to the allowances fixed by the discretion of courts and juries. The earlier New York cases show amounts from 50 to 75 cents a week, and as late as 1886 we find a mention of \$1.50 a week (40 Hun 320). In Iowa the supreme court has held \$100 the first year, with \$50 annually thereafter up to a total of \$700, not to be excessive.

Nor do the more liberal statutory amounts compare unfavorably with per capita allowances under mothers' pensions laws. It is apparent that the law of bastardy support is controlled by standards of poor relief. In any event the alimony is measured by the mother's and not by the father's position in life, and, although the laws may not express it in that way, it is in the nature of an assistance to her. Under these circumstances it is, on the face, a radical departure in the new law of Massachusetts of 1913 to require the father to support his illegitimate child as though the child were legitimate. Even so, if the mother has the custody, the support is in practice apt to be measured by her standard of living, and a more explicit statutory direction would be necessary to overcome this inevitable tendency. A general civil obligation of the father to support the illegitimate child, such as exists in California, is likely to work out in the same way.

The duration of the support is fixed perhaps more commonly in the statute than the amount. Where no limit is stated, as in Kansas, the minority of the child would be the maximum period. This is the stated period in Massachusetts, and California also speaks of the minor child. Colorado, Mississippi, and Utah set the age limit at 18. If in these States the statutes can be construed as entitling the illegitimate child to support beyond the age of self-support, they place such child in a position more favored than the legitimate child, which the father may by emancipation throw upon his own resources when he has become capable of supporting himself. In Vermont the duty extends for the period during which the child is unlikely to be able to support himself. Under the ordinary law of parent and child the absolute duty of support would hardly extend beyond the age of 16, which would accord with advanced standards of child-labor legislation. This is the age limit set by the Wisconsin bastardy

law, while Georgia and Hawaii name 14, which is also the age most commonly found in recent child-labor legislation. Lower age limits are, however, encountered in bastardy laws: Twelve years in Maryland (until 1912, 7 years); 10 years in Delaware, Florida, and Illinois; 7 years in Arkansas, and Tennessee provides for only three annual payments.

Provisions regarding custody are rare, the assumption being generally that the mother will keep the child. A declaratory law to that effect was enacted in New Jersey in 1913. In Illinois and Utah the father is expressly declared to be not entitled to the custody of the child until the child arrives at the age of 10, unless on notice to the mother and on full hearing she is found not to be a suitable person. This provision seems rather to imply that the adjudged father is entitled to the custody of the child by reason of his paternity. On principle, in view of the silence of the statutes and of the absence of any common-law right, the right of the father to the custody of the illegitimate child must be considered at least doubtful. The mother has the law of nature on her side. The matter should be set clear by explicit statutory provision, and the father's right to custody should be made to depend on legitimation.

#### 10. ENFORCEMENT OF ORDER.

Peculiar provisions in addition to those for the enforcement of other judgments are called for by the periodicity of alimony payments and by the common irresponsibility of fathers of illegitimate children. The latter circumstance makes lien or attachment provisions, which are found in a few States, practically less valuable than methods which exercise a more personal pressure.

It is the rule to require the defendant who is adjudged to be the father of the child to give security for the payment of the support. This is done through the finding of sureties. In default of such security the defendant is committed to jail, and in several States the failure or refusal to comply with an order to pay is treated as contempt of court (Nevada, South Dakota, Utah). In many States (Illinois, Indiana, Maine, Michigan, Minnesota, Wisconsin, Wyoming) the imprisonment is clearly conceived in part as punishment, for it is only after a definite time has been served that the defendant on proof of inability is entitled to a discharge, his liability to pay being nevertheless continued (Arizona, Connecticut, Hawaii, Michigan). Inability entitles him to discharge, the period of confinement varying between 90 days and 1 year, or being left to the discretion of the court (New Hampshire, New Jersey, New York). The discharge is without prejudice to further proceedings in case of subsequent ability.

In Iowa the provision for imprisonment under bastardy laws was, at an early date, held superseded by the constitutional provision

against imprisonment for debt (*Holmes v. State*, 2 Iowa, 501, 1850), and that State relies under its present laws upon lien and attachment provisions; but in most of the States the imprisonment feature of the law has either not been questioned on constitutional grounds or has been sustained. In Indiana the constitutional protection has been held to apply only to strictly contractual debts. (*Lower v. Wallick*, 25 Ind. 68, 1865.)

Special facilities for compelling payment are furnished by laws which treat bastardy or the nonsupport of illegitimate children as a crime. Thus, in California, the convicted defendant may be employed on public works and an amount not exceeding \$1.50 a day in payment for such work be applied to the support of the child. The law of North Carolina permits the defendant to bind himself out as an apprentice, the price being paid to the county treasurer.

In Massachusetts the court may place the defendant on probation and suspend his sentence on condition of periodical payments for a term not exceeding two years. Upon violation of the terms of the order the suspended sentence may be enforced. A similar provision is found in Colorado.

In Wisconsin the nonsupport act, which applies to illegitimate children under 16, provides that the court may instead of imposing a penalty make an order for weekly payments for a period not exceeding two years to the guardian or custodian of the child or to a trustee appointed by the court, and may release the defendant upon his recognizance to comply with such order. Upon violation of the order, the suspended penalty may be enforced and any sum recovered upon the recognizance may be applied for the benefit of the child (*R. St.*, 1917, sec. 4587c).

To a similar statute (*Laws 1917, ch. 51*) West Virginia adds the provision that if a fine is imposed and not paid the parent may be required to do labor, for which a daily sum may be allowed to be applied for the benefit of the child. In Delaware (*Code 1915, secs. 3033-3043*) there may be a sentence to hard labor, with a daily allowance of 50 cents to be applied for the benefit of the child.

In Pennsylvania (by law of 1917, No. 145) the order for the payment to the mother of the expenses incurred at the birth of the child may be enforced, upon failure to give a bond, by imprisonment at hard labor, in which case a daily wage of 65 cents is to be paid to a person designated by the court, or the court may discharge the defendant upon his own recognizance in the custody of a probation officer; and (by act 1917, No. 290) in proceedings for willful failure to contribute to the support of an illegitimate child the court instead of imposing a fine may make an order for a periodical payment upon recognizance, with or without surety, and may suspend execution.



The provision for imprisonment at hard labor in default of payment of the judgment or of the giving of a bond is also found in Alabama (sec. 6377).

#### 11. COMPROMISE AND SETTLEMENT.

If the theory of bastardy support legislation were the enforcement of an antecedent civil obligation of the father toward the mother, the right of the two to settle for the claim (subject to possible relief in case of fraud or overreaching) would logically follow. Where under the law the mother has the exclusive right to complain there is some plausible support for such a theory, although even then it may appear from other provisions that the mother is not the only party in interest.

Where poor-law authorities are authorized to institute proceedings, the theory of the purely civil obligation toward the mother is negatived, and the right to settle should on principle be denied;<sup>1</sup> and a settlement would then be merely an important factor in determining the equities of the mother and such discretion as court or jury may possess in fixing the terms of the judgment.

As a matter of legislative policy, even a liberal payment made to the mother in good faith may be an unwise provision from the point of view of the child, although normally the certainty and finality of such a disposition will outweigh its possible disadvantages. In any event the matter is a proper one for statutory regulation.

Only a few States recognize the right of the adult mother (making express exception for the infant mother) to settle with the father without any qualification (Indiana, Kansas, Oregon); a stated sum as the condition of a valid settlement is fixed in Utah (\$500) and in Illinois (\$400). More commonly the settlement is subject to the approval of the court or poor-law officials, or liable to be objected to by the latter. In Minnesota and Ohio the compromise payment must be coupled with a bond to indemnify the public against possible charges for relief.

#### 12. EFFECT OF DEATH UPON THE PROCEEDINGS.

Most of the statutes contain no explicit provisions.

In Maryland, when bond has been given by the father and he thereafter dies, payment may be enforced out of his estate, with a limitation to \$500, and to one-half of a child's intestate share (sec. 10 of act). In Indiana the right of action survives, if the putative father dies either before or after the commencement of the prosecution and after the preliminary examination, against his personal representa-

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<sup>1</sup> Nevada (sec. 765) provides that no complaint shall be settled by agreement of the mother and putative father.

tives. - A similar provision confined to death after the preliminary examination is found in Kansas and Mississippi.

A number of States provide that the suit shall not abate by the death of the mother if the child be living, the interest both of the local authorities furnishing relief and of the child being as strong after the death of the mother as before, if not stronger (so, e. g., Hawaii, Indiana, Kansas, Maine, New Jersey, Ohio, Vermont, Wyoming).

As regards the death of the child, it is not uncommonly provided that it shall not abate the prosecution if the mother be living, but the court on conviction shall take the death into consideration and give judgment for such sum as it may deem just. So, after judgment, the court may make the appropriate reduction in the amount payable (so, e. g., Maine, Mississippi, Ohio, Wyoming). In Rhode Island special reference is made to the expense of lying-in, and of the support, sickness, and burial of the child. In Utah the death of the child, as well as a stillbirth, avoids a bond given. In New York likewise the prosecution is dismissed if the child is born dead.

### 13. THE PROBLEM OF THE ABSCONDING DEFENDANT.

In practically all foreign countries the enforcement of bastardy support is a purely domestic problem, and there is no need for legislation to attempt to deal with jurisdictional difficulties. It is otherwise in the United States. Each State is for purposes of police legislation, civil or criminal, a sovereign and independent jurisdiction, and can act only upon subjects that are within its own territorial boundaries or owe it allegiance. The process of a State court does not by its own force, without the aid of interstate comity, reach those who are not within the State or residents of the State. Extradition is confined to criminal prosecutions. The United States is the only jurisdiction the scope of which is national, and the limits of the Federal Constitution do not permit national legislation dealing adequately with bastardy support in general. The possibility of national legislation permitting, where the parties are citizens of different States, suits for bastardy support to be brought in a Federal court, and making a nation-wide judicial process available for such purpose, may be dismissed as being beyond the reach of practical policy.

While thus the States are legally and jurisdictionally distinct, there is no social or economic separation. Travel and migration are easy, and to transfer one's domicile to another State involves no serious sacrifice of habit or association, particularly in the case of young unmarried men. The problem is aggravated by the fact that many of the most important metropolitan communities are close to or upon State boundaries, so that a change of residence to another State means hardly more than a change to another section of the same city.

How, then, can legislation deal with the case of the seducer moving into another State when confronted with the prospect of having to support an illegitimate child?

The discussion of available methods is confined to three alternatives: The treatment of illegitimate paternity as a crime; the attempt to hold the defendant civilly liable though he can not be served within the State; and the transfer of the proceeding from the residence of the complainant to the residence of the defendant.

#### **Bastardy proceedings as criminal prosecutions.**

Bastardy proceedings under most laws have a quasi-criminal character; they are often conducted by magistrates and courts having criminal jurisdiction and the process which is used to bring the defendant before the court is the warrant of arrest and not a summons.

Notwithstanding this the courts have generally held the proceeding, which is provided for in most of the States, to be civil, and the trial is governed by principles of civil and not of criminal law. The fact of paternity is not in terms declared a misdemeanor, and under the usual type of law it would be impossible to make it the foundation of a demand for extradition of the alleged father.

Exceptions from this ordinary type of bastardy legislation have long been known in America, and particularly in Pennsylvania bastardy legislation has from the beginning been criminal in form, the only provision for proceeding being found in a section making fornication and bastardy a misdemeanor. In 1913 Massachusetts abandoned the type of bastardy legislation which, as in other New England States, had come down from early colonial times and had remained in substance unaltered from the beginning of independent government, and made the begetting of an illegitimate child a misdemeanor.

Where the matter is thus reduced to the terms of a criminal offense it would be logical to make the act of illicit intercourse itself a misdemeanor, as is done in Pennsylvania. Otherwise there is the curious situation that an act is not criminal, while the natural consequences of the act are criminal, and yet it would be a crime to avert the criminal consequences of the noncriminal act. It is not a quite satisfactory answer to say that the legislature allows a person under such a statute to have illicit relations at his peril, taking cognizance of the forbidden act only as it results in a specific detriment to the community. Even if it is within the legislative power to lay down such a rule, its anomalous character may be an obstacle to its adoption.

If illegitimate paternity is made a crime, the following consequences should be considered, and, as far as possible, be guarded against: The woman would be an accessory to the offense, and care

should be taken that her testimony be not thereby legally weakened; the man's privilege not to testify would become an absolute constitutional right; it would be impossible to proceed against the man by default; it would be more difficult to deal with compromise and settlement, since public offenses can not be the subject of private agreement; it would become possible to prosecute the father even against the will of a mother unwilling to disclose his name and willing to assume the burden of the child's support; the statute of limitations—which for criminal offenses is usually a brief one—would run from the time of the illicit act, or from the time of the birth of the child. In order to deal with this latter difficulty, it will be necessary to make nonsupport of the illegitimate child a distinct and continuing offense, as is done by the act of Massachusetts of 1913.

While the above-mentioned difficulties are not insuperable, they call for more elaborate and qualified legislation, and the departure from the prevailing type should be offset by compensating advantages. Such an advantage is supposed to be furnished by the possibility of procuring the extradition of the absconding defendant. But while it is true that the Federal Constitution gives the right of extradition for every crime, it is also true that there is a disinclination to extradite for misdemeanors as distinguished from felonies, and it is stated for Pennsylvania that extradition from other States on the charge of fornication and bastardy can not be procured. In the enforcement of family desertion laws the same difficulty—even if an imaginary one—was encountered, and the grade of the offense was therefore raised in some States to that of felony. The wisdom of this has been questioned, and it may be expected that legislatures will hesitate before making illegitimate paternity, which is now often not punishable at all, a felony. However, in 1917 this was done in Minnesota. Extradition would not be available for nonsupport unless the defendant had been since the birth of the child a resident of the prosecuting State.

#### **Absconding as the gist of the offense.**

A novel experiment in dealing with the problem on the basis of criminal law forms part of the comprehensive legislation on illegitimacy enacted in Minnesota in 1917. Chapter 211 of the Laws of 1917 provides that if issue is conceived of fornication, and within the period of gestation or within 60 days after the birth of a living child the father absconds from the State with intent to evade proceedings to establish his paternity of such child, he is guilty of a felony and shall be punished by imprisonment in the State prison for not more than two years.

Should this form of legislation (changing, perhaps, the grade from felony to misdemeanor) be recommended for general adoption?

If the object of this legislation is to facilitate extradition, does the method chosen answer the purpose? Absconding from the State of the offense. When and where is the offense complete? If the person sets his foot beyond the boundary of the State before he is beyond its jurisdiction. Criminal legislation ordinarily requires that the individual must be a fugitive from justice. That is to say, he must have been a criminal before he left the State; if his offense was committed within the State, he can not be a fugitive when he leaves the State, not a mere technicality, for it is unprecedented in our history for a crime to leave the State. In foreign countries there is no such thing as the offense of leaving the State to escape military service. A person who does this is treated as an offender, and it is not contended that he is a fugitive from justice, and it is not possible to found a claim to extradition on the act of absconding, though it might be based upon the act of fleeing from justice.

It is recommended by making it an offense to abscond from justice? Theoretically it might; but in many cases no benefit would be gained, for the great metropolitan communities of New York, Philadelphia, Cincinnati, Chicago, St. Louis, Kansas City, and others lie in border counties, and the individual might abscond without bringing himself within the law.

#### Prosecution for abandonment and nonsupport.

It has been observed before that an abandonment law which speaks of a parent and his child or minor child does not apply to the father with reference to an illegitimate child. Indeed the spirit and purpose of abandonment laws appear more adapted to the failure to perform the ordinary obligation incidental to the de facto family group.

However, a number of States expressly include the illegitimate child in the protection of the abandonment acts (California, Colorado, Connecticut, Delaware, Massachusetts, Nebraska, New Hampshire, Ohio, West Virginia, Wisconsin). Pennsylvania (Laws 1917, No. 290) makes willful noncontribution to the support of an illegitimate child a misdemeanor. There must be considerable difficulty in applying either the term "abandonment" or the term "willful failure to support" to an illegitimate father who has not acknowledged the child before the paternity has been established by judgment, or even after judgment where the payment of a definite sum to the mother constitutes the entire duty of the father, and the statute fails to attach to illegitimate paternity or to the judgment establishing it a general duty of support. In Montana and Oklahoma such duty of support is expressly confined to the parent entitled to the custody of

the child. The duty to support the illegitimate child is predicated in general terms in Wisconsin, West Virginia, and Delaware and particularly by the law of Minnesota of 1917; in other States it follows from the penalization of nonsupport (New Hampshire, Colorado). It must be questioned whether it is proper to cover in the same context and by exactly the same provision two such entirely different forms of delinquency as failure of duty with regard to a legitimate child, and with regard to an illegitimate child that has never been placed under the direct care of the father; as, e. g., under the law of California which provides (Penal Code secs. 270-270c) that it shall be a penal offense for a parent of a legitimate or illegitimate minor child to omit willfully, without legal excuse, to furnish necessary food, clothing, shelter, or medical attendance.

There can be no objection to placing upon the person who has been adjudged to be the father of the child a general duty of support and then making nonsupport on the part of the adjudged father a penal offense. This is the law of Minnesota (1917).

**Civil proceedings against persons who can not be served within the State.**

There is at present no American bastardy statute which provides for reaching a defendant who is outside of the State otherwise than by the attachment of property which he may happen to own in the State.

In the absence of specific statutory provision a defendant can not be served by publication (*Moyer v. Bucks*, 2 Ind. App., 591; *Beckett v. State*, 4 Ind. App., 136).

It may be conceded as a matter of theory that a person who has left the State without ceasing to be a legal resident of the State is still amenable to its jurisdiction and that judgment can be rendered against him upon service of process by publication and actual notice given to him outside of the State; but the legislative tendency is very strong against a personal judgment based upon such process in a common-law action.

The tendency would be rather to provide for an equitable proceeding, in which class of actions service of process by publication is more commonly resorted to, and therefore to make the proceeding primarily one to establish a fact (the fact of paternity), and secondarily to establish the existence of such obligations as the fact carries with it.

In Illinois a bill was introduced in the legislature of 1917 embodying this theory.<sup>1</sup> It provided that a bill of complaint in chancery may be filed for the purpose of establishing who is the father of the child. The defendant, if not in the State, may be served personally outside of the State and by publication, and if personally served without the State may be proceeded against by default. The judgment may

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<sup>1</sup> This bill did not become a law.

then establish that the defendant is the father of the child, and that as to such father the child is to all legal intents and purposes his child. The court may in addition decree reasonable support and maintenance. The decree is to be conclusive evidence of the facts found in all subsequent proceedings, including criminal proceedings for nonsupport and like offenses.

This proposed law purports to allow proceedings against persons residing outside of the State. It will be noted that the decree makes the child to all legal intents and purposes the child of the father "as to such father." Apart from the practical difficulties which such qualified legitimation would encounter in legislative bodies the State would have power only to fix the status of the resident child, but not that of the nonresident father; in other words, the imposition of the obligation to support would be without jurisdictional foundation. If the child were to be treated as illegitimate there would be the further difficulty that the "status" of illegitimacy carries at common law no rights whatever and that therefore the proceeding would characterize itself plainly as one to enforce a personal obligation of maintenance. Against nonresidents of the State the proposed law of Illinois would therefore fail of its purpose. It might be theoretically available against persons who while outside of the State continue to be residents of Illinois; but here the question of fact presents a difficulty. For a change of residence from State to State can be accomplished at the moment of migration, if there is an intent to that effect, and it would not be easy to disprove such intent against the oath of the defendant desiring to prove himself a nonresident.

#### **Civil proceedings in the jurisdiction where the defendant resides.**

The constitutional difficulty of establishing jurisdiction over a defendant outside of the State disappears if the proceedings for support are brought in the State to which he has gone. It would not be possible to permit a criminal prosecution in a State other than the one where the offense has been committed; and where the alleged father goes to another State, he does not commit an offense against the law of that State by not supporting a child which is outside the State. An obligation may, however, be made civilly enforceable although it has been contracted outside of the jurisdiction, and the opening of the State courts to nonresident mothers for the institution of civil bastardy proceedings is a matter of legislative discretion. A State can not in this way afford relief to mothers left in its own jurisdiction by absconding fathers, but only to mothers of other States where the father is found in its own jurisdiction; but in a comprehensive scheme of uniform bastardy legislation the benefit of reciprocity may furnish a sufficient inducement and justification for legislation which, considered by itself, has a somewhat altruistic

character. Even without legislation, as a matter of comity, a State permits nonresidents to sue residents upon any transitory cause of action recognized by the common law.

Ordinarily it will, of course, be more desirable for the mother to prosecute in her own domicile, but where the alleged father has absconded the difficulty of reaching him and enforcing a claim against him, either through equitable proceedings against an absent party or through criminal prosecution involving extradition, may easily outweigh the inconvenience of suing in another State and the possibility of this alternative would certainly be an advantage.

Some States even now allow a woman to sue where the defendant resides or may be found. Even though these provisions may have been intended to enure mainly to the benefit of a woman residing in another district of the same State, their wording makes them applicable in favor of a nonresident woman. Many States, however, recognize only the jurisdiction of the woman's residence or of the place of the birth of the child.

It would be a simple and effective reform to make the jurisdiction of the defendant's residence available by the legislation of every State.

#### **Provision for both criminal and civil proceedings.**

California permits a civil suit to enforce support and also a criminal prosecution for nonsupport. This shows the possibility of cumulative remedies. The prevailing type of legislation offers the advantage that the same proceeding may be used to establish paternity and to compel support by the combined resources of civil and criminal procedure. It would therefore be perhaps unwise to discard the present form of bastardy support legislation altogether. But in particular cases it may be desirable to sue to establish paternity or to enforce support by a civil action, or—after paternity has been established—to punish nonsupport and use the efficacious methods of suspended sentence and probation or of compulsory and compensated labor. It ought not to be impossible to offer all these remedies to be used either cumulatively or in the alternative, as circumstances may dictate. This is no more than what is possible in the case of many other grievances which create legal and equitable causes of action and at the same time subject the wrongdoer to criminal prosecution.

#### **POSSIBLE CHANGES IN THE LAW IN FAVOR OF THE ILLEGITIMATE CHILD.**

##### **1. THE EXTENT OF THE PROVISION IN FAVOR OF THE CHILD.**

This is plainly inadequate in most of the laws. If the payments are not too low, the period of support is certainly in most of the States too brief. Legislation should consider child-labor policies and their effects; 14 years should be regarded as the lowest age at which the



child can be expected to begin earning money, and 16 years should be the normal age to which the duty of support should extend. If extended beyond that age in cases other than incapacity of some sort, the illegitimate child would occupy a more favored position than the lawful child, who can be thrown on his own resources when capable of self-support.

As regards amounts, the upper limits are, in nearly all States in which such limits are set, too low. It is true that where the allowance is entirely within the discretion of court or jury, the amounts awarded do not seem to exceed these limits. This would seem to indicate that the statutory amounts are perhaps not grossly at variance with prevailing sentiment. There appears to be no disposition to extend the generosity commonly shown to the woman in breach of promise suits to the child in bastardy proceedings. The measure of damages in case of breach of promise to marry is not controlled by any statute, but is entirely a matter of judicial practice, and it would be a new departure in legislative policy to force upon courts or juries a greater liberality in awarding support allowances than they are in the habit of granting at present. If such a policy were adopted it would be necessary to determine upon some standard. In breach of promise suits the wealth of the defendant is commonly taken as furnishing such standard. Applied to support proceedings, this would mean that the standard of the child's maintenance would be governed by the father's position in life. The German Civil Code makes the mother's position in life controlling (sec. 1708). Considering that the child grows up with the mother and amidst her social surroundings, an allowance much exceeding the needs of a corresponding support would be incongruous and might produce untoward results. The award of a lump sum to be placed in trust for the child, applying so much of the income as is needful to the child's support, would probably be a wiser provision. Perhaps the best that can be done at present is to remove the low maximum limits, and leave the extent of support to judicial discretion to be guided by the circumstances of each case.

Particular stress should be laid upon the care of the child at the time of its birth and during its early infancy, which are the most critical stages from the point of view of conservation of human life. The laws which require larger payments for the first year than for subsequent years recognize this. The like purpose would be served by permitting at the first hearing some provision to be made to cover expenses of confinement, but in advance of the determination of paternity by regular trial, nothing can be demanded beyond security, and a provision to that effect is found in a number of States.

In this connection should also be noted the legislation for the control and supervision of institutions which are apt to have the first

care of illegitimate children, such as maternity hospitals, children's homes, etc. In Massachusetts persons receiving illegitimate children for board are required to notify the State board of charities, which may exercise a general custody for the benefit of the child (ch. 83, secs. 17, 18).

Massachusetts has also a provision (ch. 83, sec. 13) whereby the mother of an illegitimate child under 2 years of age may, with the consent of the State board of charities, give up the infant to the board for adoption; and the board may in its discretion receive the infant. The surrender operates as a consent to any adoption subsequently approved by the board.

## **2. PROVISIONS FOR GUARDIANSHIP AND PERMANENT CARE.**

Any comprehensive scheme of reform should consider the creation of an official guardianship, in order to do full justice to the varying and developing circumstances of each case, and to standardize the legal duties of fathers toward the illegitimate offspring.

The legislation of Minnesota of 1917 marks an important step in this direction. Chapter 194 is entitled: An act to give the State board of control general duties for the protection of defective, illegitimate, dependent, neglected, and delinquent children, with authority to act as guardian of children; and to provide for child-welfare boards in the several counties of the State to aid in the performance of such duties. The powers of legal guardianship extend to cases of children committed to the board or to institutions under its management by courts of competent jurisdiction. Under the revised juvenile court act of 1917 (ch. 397) the term "dependent child" includes every illegitimate child, and every such child is therefore subject to commitment to the State board. The same act, however, also provides that the child shall not be taken from its parents without their consent, unless the separation shall be found needful to prevent serious detriment to the welfare of the child. Where the mother is faithful and only the father is delinquent in his duty the power would therefore seem normally inoperative. Section 2, which does not speak of legal guardianship, is more valuable to the child. It charges the State board of control with a general duty to take care that the interests of an illegitimate child are safeguarded and that there is secured to him the nearest possible approximation to the care, support, and education that he would be entitled to if born of lawful marriage. For this purpose the board is given power to initiate legal and other action, and to make such provision as the interests of the child from time to time require. These phrases, though liberally construed, fall short of the powers of legal guardianship; but even under a conservative construction, they permit the exercise of active

and continuing supervision and advice such as no other American legislation provides for.

Much will depend upon the administrative organization placed at the disposal of the board. It may appoint and fix the salaries of a chief executive officer and such assistants as shall be deemed necessary to carry out the purposes of the act. For a reasonably adequate solution of the problem of the illegitimate child, local as well as State organs are indispensable, and these are provided for in sections 4 and 5. Upon the request of a county board, the State board may appoint a child-welfare board for the county. This board consists of three members appointed by the State board (two women; in the larger cities five members), and a member of the county board and the county superintendent of schools *ex officio*; the three appointed members hold at the pleasure of the State board, and the State board determines the duties of the county child-welfare board. The county child-welfare board appoints a secretary and executive assistants; and, with the approval of the county board, fixes their salaries. Where there is no child-welfare board the judge of the juvenile court may appoint a local agent to cooperate with the State board, whose salary is fixed by the judge, with the approval of the county board. Under these provisions, while the local organization is not absolutely compulsory, there is at least a reasonable assurance that there will be a local agency wherever needed.

The State board is further aided by a provision in another law (1917, ch. 212) to the effect that the officer in charge or licensee of any hospital in which a pregnant woman or woman with a newborn child, or such child, is received for care shall use due diligence to ascertain whether the child is legitimate, and, if there is reason to believe that the child is or will be illegitimate, that he shall make report to the State board of control (sec. 8).

It is to legislation of this type that we must look for the most effectual enforcement of illegitimate support legislation.

### **3. POSSIBLE IMPROVEMENTS RELATING TO THE STATUS OF THE CHILD.**

A survey of the entire legislation concerning the status of the illegitimate child (aside from the ordinary support proceedings) suggests the desirability of providing in all the States for—

1. A declaration that the issue of null marriages is legitimate.
2. A proceeding to establish legitimacy or illegitimacy.
3. Legitimation by subsequent marriage of the father and mother, where the father acknowledges the child.
4. The possibility of voluntary legitimation after the death of the mother, or where marriage or adoption is impossible.
5. The possibility of adoption by the father.

6. A declaration that the relation of mother and child is the same whether the child is legitimate or illegitimate.

Can the law safely go further and give the child the status of a legitimate child with reference to the father?

It has been seen that this has been attempted in North Dakota. There an act of 1917 declares every child to be the legitimate child of the natural parents, entitled to support and education, and to inherit from the natural parents and their kindred, and merely withholds the right to dwell with the father's family if the father is married to some other woman. So it has been proposed in Illinois to give the decree in bastardy proceedings the effect of making the child "to all legal intents and purposes"<sup>1</sup> the child of the father as far as the father is concerned.

The practicability of such legitimation of the child by the fiat of the law should be carefully scrutinized. The normal legal relation between parent and child involves the social foundation of a lawful or de facto marriage; without this, it is in fact a different relation—a fact which no dictate of legislation can alter. It is true that where, upon a divorce, the child is awarded to the mother it has the status of a legitimate child of the father without the corresponding social habitat, but there is the essential difference that in this case the father who is deprived of the custody normally still retains his parental affection and interest, while in the case of the illegitimate child the father refuses to admit the child into his household from the very beginning of its life.

If the legislator declares the child born out of wedlock the lawful child of the father, he should have a clear realization of the implications of such a provision and consider particularly what follows with regard to custody, rights of inheritance, and name.<sup>2</sup>

It has not been suggested that legislation should require the father to assume the custody of the child. The infant of tender years is naturally left to the mother in its own interest, and the father would frequently be in no position to give it proper care. Illinois gives to the father a right to the custody of the illegitimate child when the same has reached the age of 10; and before, if the mother is unfit. A requirement that the father assume the custody of the child approaching the age of adolescence would create a legal obligation novel and without precedent; for the father may now give up the custody of his lawful child, so long as he provides for its maintenance and support. A duty of custody is unknown to our law, and if it is impracticable

<sup>1</sup> The proposed bill did not become a law.

<sup>2</sup> Even as regards maintenance the illegitimate child has, in some respects and in the absence of nonsupport or abandonment laws, more effectual remedies than the legitimate child. The law of Tennessee therefore finds it necessary to provide (s. 7353): "The judgment of the court against the defendant is not satisfied, nor the defendant and his sureties exonerated from liability, by the defendant subsequently legitimating the child according to law." Recent legislation in many States has, however, altered the law to the advantage of the legitimate child.

to create it with regard to the lawful child, the difficulty of establishing it with regard to the illegitimate child may be well considered insuperable.

Even the unqualified right under the law of Illinois to assume the custody of the illegitimate child of 10 is a questionable provision; the right of custody should be conditioned upon legitimation, and legislative provision should be made for legitimation where, as in Illinois, it is now lacking. Where the father has a lawful wife and legitimation is permitted without her consent, still she must have a right to object to the child's being taken by the father into the common household.

Legitimation by decree would involve a right of intestate succession. If that be regarded as a dictate of equity, it should still be borne in mind that the right can be nullified by testamentary disposition. That right the father has with regard to his lawful child, and legislatures will hesitate to give the illegitimate child a preferred status. If a case could be made in favor of such preference it would imply the introduction of the principle of forced inheritance into our law, with a mass of complicated adjustments that would have to be worked out with great care. There is no serious thought of such a radical step; without it, the inheritance phase of statutory legitimation is a precarious gift.

It remains to consider the question of the name. Wisconsin in 1915 amended the vital statistics law by providing that where in bastardy proceedings the paternity of a child is determined, the child shall be given in the birth report the name of the father. A birth report is required to be made within five days from the birth, while bastardy trials do not take place until after the birth; the paternity will therefore ordinarily not be determined until after the report of the birth has become due. It is also implied rather than expressed that the father's name shall be the legal name of the child.

It would, however, not be difficult to frame an adequate provision bestowing the name of the father upon the illegitimate child. Should this be a privilege of the child, or a requirement? And if the former, should the privilege be exercisable by the mother for the child once for all, or should the child be allowed to assume the name of the father on arriving at years of discretion?

A legal requirement that the child bear the name of the father should be considered with a view to the possible consequence that it might advertise the child's illegitimacy, in contravention to the policy of the law that the fact of illegitimacy shall not be needlessly disclosed. The child naturally lives with the mother, who has no right to the father's name; a different name of her child would naturally raise a question which she might be desirous of avoiding.

The assumption of the name is also an empty privilege, if unaccompanied by more substantial rights. Its practical effect may be expected to be that the child will relinquish the use of the name for a consideration; and the legislator ought to bear this possible consequence in mind.

It thus appears that the practical consequences of assimilating the status of the illegitimate child to that of a legitimate child are limited. And this is what may be expected of an attempt to alter by legislation social conditions and concepts.

Everything should undoubtedly be done that is within the legislative power, to alleviate the hardship and stigma of illegitimacy, but the limits of practical legislative power should be considered. Where legislation can affect social sentiment it should do so; and even such a matter as terminology should not be neglected. The term bastardy should disappear from our law; filiation or affiliation proceedings would as well express the usual proceedings for the support of illegitimate children, and support orders are at present designated as affiliation or filiation orders in England, New York, New Jersey, and Delaware. And the term "natural child" would be preferable to either illegitimate or bastard.

It should also be seriously considered whether it is not possible to keep any reference to illegitimate birth from public records other than those of proceedings in which legitimate or illegitimate paternity is directly involved.

NOTE 7.  
NOTE 8.





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REFERENCE INDEX TO ILLEGITIMACY LAWS OF  
THE UNITED STATES

(In Effect January 1, 1919)

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## REFERENCE INDEX TO ILLEGITIMACY LAWS OF THE UNITED STATES.

[In effect Jan. 1, 1919.]

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### PREFATORY NOTE.

The following references to illegitimacy laws in force in the United States are arranged in two ways: First, according to a topical index, the States being grouped alphabetically under each topic; and, second, consecutively under each State. In the second grouping each reference is followed by a key word, indicating the subject to which it refers.

The topical index has two main headings: The first, General and Status Legislation; the second, Support Legislation. The sub-topics—Adoption, Registration of Births, etc.—are those within the scope of which illegitimacy legislation is usually found.

Although the specific references cover the provisions concerning illegitimacy only, they may be used as a basis for finding also the rest of the law relating to any given subtopic. For a few subjects the list of States is nearly complete; for example, the birth registration laws of 37 States make some mention of illegitimate births and are therefore cited, and in order to determine the total number of States having birth registration laws, the laws of only the remaining 16 jurisdictions would need to be searched.

With a few exceptions, judicial decisions were not examined in connection with compiling these references.



## TOPICAL INDEX OF REFERENCES.

### GENERAL AND STATUS LEGISLATION.

**ADOPTION.**—Consent of mother required for the adoption of her illegitimate child.

- ARKANSAS.....Kirby and Castle's Digest 1916, secs. 1568, 1583.  
CALIFORNIA.....Deering's Civil Code 1915, sec. 224, as amended by  
Laws 1917, ch. 558.  
IDAHO.....Revised Codes 1908, sec. 2703.  
ILLINOIS.....Hurd's Revised Statutes 1917, ch. 4, secs. 2, 9a-9c;  
ch. 23, sec. 183.  
IOWA.....Code 1897, sec. 3251.  
LOUISIANA.....Merrick's Revised Civil Code 1912, art. 214.  
MAINE.....Revised Statutes 1916, ch. 72, sec. 36.  
MASSACHUSETTS....Revised Laws 1902, ch. 83, secs. 13, 17-19; ch. 154,  
sec. 2, as amended by Laws 1904, ch. 302.  
MICHIGAN.....Compiled Laws 1915, sec. 14139.  
MINNESOTA.....General Statutes 1913, secs. 7153-7155, as amended by  
Laws 1917, ch. 222.  
MONTANA.....Revised Codes 1907, sec. 3764.  
NEBRASKA.....Revised Statutes 1913, secs. 1616, 1620.  
NEVADA.....Revised Laws 1912, secs. 731, 746, 5828.  
NEW HAMPSHIRE...Public Statutes 1901, ch. 181, sec. 2.  
NEW MEXICO.....Statutes 1915, secs. 13, 17.  
NEW YORK.....Birdseye Consolidated Laws (2d ed.) 1917, vol. 2,  
Domestic Relations, ch. 14, secs. 111, 113.  
NORTH DAKOTA.....Compiled Laws 1913, sec. 4444.  
Laws 1911, ch. 177, sec. 17.  
OKLAHOMA.....Revised Laws 1910, sec. 4388.  
OREGON.....Lord's Oregon Laws 1910, sec. 7099, as amended by  
Laws 1915, ch. 31.  
SOUTH CAROLINA...Code 1912 (Civil), sec. 3798.  
SOUTH DAKOTA.....Revised Codes 1903 (Civil), sec. 131.  
Laws 1915, ch. 119, sec. 23.  
TENNESSEE.....Thompson's Shannon's Code 1918, secs. 4436a-65a15.  
UTAH.....Compiled Laws 1917, sec. 13.  
VERMONT.....General Laws 1917, sec. 3757.  
WEST VIRGINIA....Laws 1915, ch. 70, sec. 20.  
WISCONSIN.....Statutes 1917, sec. 4022.

**APPRENTICESHIP.**—Consent to, and binding out by mother and others.

- ALASKA.....Compiled Laws 1913, sec. 446.  
CALIFORNIA.....Deering's Civil Code 1915, sec. 265.



**BIRTHS, REGISTRATION OF.**—Statement as to whether child is legitimate or illegitimate, and registration on **STANDARD CENSUS FORM**; miscellaneous.

- ALABAMA.....Code 1907, sec. 711, as amended by Laws 1911, p. 116.  
 ALASKA.....Laws 1913, ch. 35, sec. 2.  
 ARIZONA.....Revised Statutes 1913, Civil Code, sec. 4418.  
 COLORADO.....Revised Statutes 1908, sec. 384.  
 DELAWARE.....Revised Code 1915, sec. 808.  
 DISTRICT OF CO-  
   LUMBIA .....34 U. S. Statutes at Large, p. 1010, ch. 2280, sec. 1.  
 FLORIDA.....Laws 1915, ch. 6892, sec. 14.  
 GEORGIA.....Park's Annotated Code 1914 (Political), sec. 1676 (bb).  
 HAWAII.....Revised Laws 1915, sec. 1133, as amended by Laws  
                   1915a.48, sec. 1142.  
 IDAHO.....Laws 1911, ch. 191, sec. 14.  
 ILLINOIS.....Hurd's Revised Statutes 1917, ch. 111½, sec. 31.  
 IOWA.....Laws 1917, ch. 326, sec. 6.  
 KENTUCKY.....Statutes 1915, sec. 2062a.14.  
 LOUISIANA.....Laws 1918, No. 257, sec. 14.  
 MASSACHUSETTS....Revised Laws 1902, ch. 29, sec. 1, as amended by Laws  
                   1910, ch. 322, sec. 25.  
                   Laws 1912, ch. 280, sec. 2; sec. 3 repeals Revised Laws  
                   1902, ch. 29, sec. 3.  
 MICHIGAN.....Compiled Laws 1915, sec. 5614.  
 MINNESOTA.....General Statutes 1913, secs. 4651-4652 and 4661-4662 as  
                   amended, and 4653a and 4660a-4660b as added, by  
                   Laws 1917, ch. 220.  
                   Laws 1917, ch. 212, secs. 8-10.  
 MISSOURI.....Revised Statutes 1909, sec. 6677.  
 MONTANA.....Revised Codes 1907, sec. 1769.  
 NEBRASKA.....Revised Statutes 1913, sec. 2748.  
 NEVADA.....Revised Laws 1912, sec. 2965.  
 NEW YORK.....Birdseye Consolidated Laws (2d ed.) 1917, vol. 6 Public  
                   Health, ch. 45, sec. 383.  
 NORTH CAROLINA..Pell's Revisal 1908, sec. 5438b(14), items 6 and 8, Sup-  
                   plement 1913 (1913, ch. 109, sec. 14).  
 NORTH DAKOTA.....Compiled Laws 1913, sec. 447.  
                   Laws 1915, ch. 183, sec. 8.  
 OHIO.....General Code 1910, sec. 219 (items 5 and 6), as amended  
                   by Laws 1913, p. 194.  
 OKLAHOMA.....Laws 1917, ch. 168, sec. 14 (6).  
 OREGON.....Laws 1915, ch. 268, sec. 13, as amended by Laws 1917,  
                   ch. 384.  
 PENNSYLVANIA.....Stewart's Purdon's Digest, Supplement 1905-1915, vol.  
                   6, p. 7303, sec. 20 (1915, No. 402, p. 900, sec. 14).  
 PORTO RICO.....Revised Statutes and Codes 1911, secs. 231-233, 235.  
 TENNESSEE.....Thompson's Shannon's Code 1918, sec. 3118a-51.  
 TEXAS.....Laws 1917, ch. 129, sec. 9.

**BIRTHS, REGISTRATION OF**—Continued.

- UTAH.....Compiled Laws 1917, sec. 5052.  
 VERMONT.....General Laws 1917, sec. 3786.  
 VIRGINIA.....Code 1904, Supplement 1916, p. 845, sec. 14; sec. 20, as amended by Laws 1918, ch. 58.  
 WASHINGTON.....Remington's Codes and Statutes 1915, sec. 5435.  
 WISCONSIN.....Statutes 1917, secs. 1022-30 (items 5 and 21).  
 WYOMING.....Compiled Statutes 1910, sec. 2957.

**CUSTODY.**—Surrender thereof to institution, etc. (See also provisions in "ILLEGITIMACY PROCEEDINGS.")

- CALIFORNIA.....Deering's Civil Code 1915, sec. 200.  
 GEORGIA.....Park's Annotated Code (Civil), sec. 3028.  
 ILLINOIS.....Hurd's Revised Statutes 1917, ch. 17, sec. 13.  
 IOWA.....Code 1897, Supplement 1913, sec. 3260-c.  
 LOUISIANA.....Merrick's Revised Civil Code 1912, arts. 213, 238.  
 MARYLAND.....Annotated Code, vol. 3 (1914), art. 27, secs. 484-488, as added by Laws 1916, ch. 210.  
 MASSACHUSETTS....Revised Laws 1902, ch. 83, sec. 13.  
 MICHIGAN.....Compiled Laws 1915, sec. 7230.  
 MINNESOTA.....General Statutes 1913, sec. 7154, as amended by Laws 1917, ch. 222.  
 MONTANA.....Revised Codes 1907, sec. 3745.  
 NEVADA.....Revised Laws 1912, sec. 766.  
 NEW HAMPSHIRE...Public Statutes 1901, Supplement 1913, p. 163 (1911, ch. 134, sec. 12).  
 NEW JERSEY.....Laws 1913, ch. 331, secs. 1-3.  
 NORTH CAROLINA..Laws 1917, ch. 59, secs. 1-3.  
 NORTH DAKOTA....Compiled Laws 1913, sec. 4425.  
 OKLAHOMA.....Revised Laws 1910, sec. 4369.  
 PORTO RICO.....Revised Statutes and Codes 1911, secs. 184, 3292.  
 SOUTH DAKOTA....Revised Codes 1903 (Civil), sec. 112.  
 TENNESSEE.....Thompson's Shannon's Code 1918, sec. 7346 (See Court Decision "1 Yer. 92" under sec. 5406).  
 UTAH.....Compiled Laws 1917, sec. 391.  
 WYOMING.....Compiled Statutes 1910, sec. 5739, as amended by Laws 1915, ch. 143.

**DEFINITIONS.**—(For definitions in certain States, see also "ILLEGITIMACY PROCEEDINGS.")

- GEORGIA.....Park's Annotated Code 1914 (Civil), sec. 3026.  
 LOUISIANA.....Merrick's Revised Civil Code 1912, arts. 27, 178, 180-183, 202, and 3556(8).  
 PORTO RICO.....Revised Statutes and Codes 1911, secs. 3250, 3263. (See also "LEGITIMACY, PRESUMPTION OF.")

**DIVORCE.**—(For effect of divorce on legitimacy of children, see "MARRIAGE AND DIVORCE.")



ARIZONA.....Revised Statutes 1913, Civil Code, sec. 1118.  
ARKANSAS.....Kirby and Castle's Digest 1916, sec. 4155.  
CALIFORNIA.....Deering's Civil Code 1915, sec. 241.  
CONNECTICUT.....General Statutes 1918, sec. 4863.  
GEORGIA.....Park's Annotated Code 1914 (Civil), sec. 3045.  
IDAHO.....Revised Codes 1908, sec. 5781.  
LOUISIANA.....Merrick's Revised Civil Code 1912, arts. 256, 261.  
MISSOURI.....Revised Statutes 1909, sec. 403, as amended by Laws  
1913, p. 92.  
MONTANA.....Revised Codes 1907, sec. 3778.  
NEW MEXICO.....Statutes 1915, sec. 2577.  
NEW YORK.....Birdseye Consolidated Laws (2d ed.) 1917, vol. 2;  
Domestic Relations, ch. 14, sec. 86.  
NORTH DAKOTA....Compiled Laws 1913, sec. 4456.  
OKLAHOMA.....Revised Laws 1910, sec. 3326.  
SOUTH DAKOTA....Revised Codes 1903 (Civil), sec. 144.  
VERMONT.....General Laws 1917, sec. 3636.  
WYOMING.....Compiled Statutes 1910, sec. 5739, as amended by Laws  
1915, ch. 143.

ALABAMA.....Code 1907, secs. 4877-4878.  
ARIZONA.....Revised Statutes 1913, Civil Code, sec. 3838.  
ARKANSAS.....Kirby and Castle's Digest 1916, sec. 6083.  
CALIFORNIA.....Deering's Civil Code 1915, sec. 59.  
COLORADO.....Revised Statutes 1908, secs. 1769-1770, 4163-4164.  
IDAHO.....Revised Codes 1908, sec. 2615.  
ILLINOIS.....Hurd's Revised Statutes 1917, ch. 89, sec. 1.  
KANSAS.....General Statutes 1915, sec. 6135.  
KENTUCKY.....Statutes 1915, sec. 2096.  
LOUISIANA.....Merrick's Revised Civil Code 1912, arts. 94-95.  
MISSOURI.....Revised Statutes 1909, sec. 8280.  
MONTANA.....Revised Codes 1907, sec. 3611.  
NEBRASKA.....Revised Statutes 1913, secs. 1542, 8769.  
NEW MEXICO.....Statutes 1915, sec. 3430.  
NEW YORK.....Birdseye Consolidated Laws (2d ed.) 1917, vol. 2,  
Domestic Relations, ch. 14, sec. 5.  
NORTH DAKOTA.....Compiled Laws 1913, sec. 4359.  
PORTO RICO.....(See footnote to section 5717 of the Revised Statutes and  
Codes 1911.)  
SOUTH DAKOTA.....Revised Codes 1903 (Civil), sec. 38.  
UTAH.....Compiled Laws 1917, sec. 2966.  
WYOMING.....Compiled Statutes 1910, sec. 3917.

## INHERITANCE.

- ALABAMA.....Code 1907, secs. 3760-3761.
- ALASKA.....Compiled Laws 1913, secs. 597-598.
- ARIZONA.....Revised Statutes 1913, Civil Code, secs. 1103-1104.
- ARKANSAS.....Kirby and Castle's Digest 1916, sec. 2852.
- CALIFORNIA.....Deering's Civil Code 1915, secs. 1387-1388.
- COLORADO.....Revised Statutes 1908, secs. 7046, 7049.
- CONNECTICUT.....General Statutes 1918, sec. 5061.
- DELAWARE.....Revised Code 1915, secs. 3087, 3087a, as added by Laws  
1917, ch. 229, 3269.
- DISTRICT OF CO-  
LUMBIA.....Code of Law 1911, secs. 387, 957-958.
- FLORIDA.....General Statutes 1906, sec. 2292.
- GEORGIA.....Park's Annotated Code 1914 (Civil), secs. 3029-3030.
- HAWAII.....Revised Laws 1915, secs. 3248-3249, 2995.
- IDAHO.....Revised Codes 1908, secs. 5703-5704.
- ILLINOIS.....Hurd's Revised Statutes 1917, ch. 39, secs. 2-3.
- INDIANA.....Burns' Annotated Statutes 1914, secs. 2998, 3000, 3002.
- IOWA.....Code 1897, secs. 3384-3385.
- KANSAS.....General Statutes 1915, secs. 3844-3847.
- KENTUCKY.....Statutes 1915, secs. 1397-1398.
- LOUISIANA.....Marr's Annotated Revised Statutes 1915, sec. 4142.  
Merrick's Revised Civil Code 1912, arts. 206-212, 917-  
929, 933, 949, 954, 1483-1488.
- MAINE.....Revised Statutes 1916, ch. 65, sec. 13; ch. 80, sec. 3.
- MARYLAND.....Annotated Code, vol. 1 (1911), art. 46, secs. 29-30; vol.  
2 (1911), art. 93, sec. 134.
- MASSACHUSETTS.....Revised Laws 1902, ch. 133, secs. 3-5.
- MICHIGAN.....Compiled Laws 1915, secs. 11796-11798.
- MINNESOTA.....General Statutes 1913, secs. 7240-7241.
- MISSISSIPPI.....Code 1906, sec. 1655.
- MISSOURI.....Revised Statutes 1909, sec. 340.
- MONTANA.....Revised Codes 1907, secs. 4821-4822.
- NEBRASKA.....Revised Statutes 1913, secs. 1273-1274.
- NEVADA.....Revised Laws 1912, secs. 6117-6118.
- NEW HAMPSHIRE...Public Statutes 1901, ch. 196, sec. 4 (Supplement 1913,  
p. 462), sec. 5; ch. 174, sec. 18.
- NEW JERSEY.....Compiled Statutes 1910, vol. 2, p. 1923, sec. 13, as  
amended by Laws 1917, chs. 139 and 246; vol. 3, p.  
3874, sec. 169, as amended by Laws 1918, ch. 63.
- NEW MEXICO.....Statutes 1915, secs. 1850, as amended by Laws 1915, ch.  
69 (see also Statutes 1915, Appendix, p. 106); 1851;  
1856.
- NEW YORK.....Birdseye Consolidated Laws (2d ed.) 1917, vol. 2,  
Decedent Estate, ch. 13, secs. 89, 98.
- NORTH CAROLINA...Pell's Revisal 1908, secs. 136-137, 264; sec. 1556, rule 9,  
Supplement 1913 (as amended by Laws 1913, ch. 71);  
rules 10 and 13.

**INHERITANCE—Continued.**

- NORTH DAKOTA**.....Compiled Laws 1913, secs. 5745-5746.  
Laws 1917, ch. 70, sec. 1.
- OHIO**.....General Code 1910, secs. 8590-8591.
- OKLAHOMA**.....Revised Laws 1910, secs. 8420-8421.
- OREGON**.....Lord's Oregon Laws 1910, secs. 7351-7352.  
Laws 1917, ch. 48, sec. 14.
- PENNSYLVANIA**.....Stewart's Purdon's Digest 1700-1903, vol. 2, p. 2004,  
secs. 52 (in part repealed by Laws 1917, No. 192, pp.  
444-445), 55.  
Laws 1917, No. 192, secs. 14-15, 27-28.
- PORTO RICO**.....Revised Statutes and Codes 1911, secs. 3265, 3809,  
3886-3891, 4001, 4005-4009.
- RHODE ISLAND**.....General Laws 1909, ch. 316, sec. 7.
- SOUTH CAROLINA**...Code 1912 (Civil), secs. 3454, 3562, 3575, 3798.
- SOUTH DAKOTA**.....Revised Codes 1903 (Civil), secs. 1096-1097.
- TENNESSEE**.....Thompson's Shannon's Code 1918, secs. 4166-4167  
(sec. 4168 was declared unconstitutional in 130 Tenn.  
494), 4169.
- TEXAS**.....Revised Statutes 1911 (Civil), arts. 2472-2473.
- UTAH**.....Compiled Laws 1917, secs. 6413-6414, 6428-6430.
- VERMONT**.....General Laws 1917, secs. 3418-3419.
- VIRGINIA**.....Code 1904, secs. 2552-2554.
- WASHINGTON**.....Remington's Codes and Statutes 1915, secs. 1345-1346.
- WEST VIRGINIA**.....Barnes' Code 1916, ch. 78, secs. 5-6.
- WISCONSIN**.....Statutes 1917, secs. 2273-2274.
- WYOMING**.....Compiled Statutes 1910, secs. 5731-5733.

**JUVENILE COURTS.**—Petition to state name of mother of child of illegitimate birth. Notice to mother. (For consent to adoption under juvenile court laws, see "ADOPTION.")

- ARKANSAS**.....Kirby and Castle's Digest 1916, sec. 1568.
- ILLINOIS**.....Hurd's Revised Statutes 1917, ch. 23, secs. 172-173.
- KENTUCKY**.....Statutes 1915, sec. 331e.4.
- MICHIGAN**.....Compiled Laws 1915, sec. 2017 (juvenile court law provides relief for unmarried mother of dependents).
- MINNESOTA**.....Laws 1917, ch. 397, sec. 1 (child of illegitimate birth is classed as a "dependent" in the juvenile court law).
- MONTANA**.....Laws 1911, ch. 122, sec. 5.
- NEVADA**.....Revised Laws 1912, sec. 731.
- NORTH DAKOTA**.....Laws 1911, ch. 177, secs. 5-6.
- SOUTH DAKOTA**.....Laws 1915, ch. 119, secs. 5-6.
- WEST VIRGINIA**.....Laws 1915, ch. 70, secs. 4; 5, as amended by Laws 1917, ch. 63.

**LEGITIMACY, PRESUMPTION OF, ETC.**

- CALIFORNIA**.....Deering's Civil Code, secs. 193-195.  
Deering's Code of Civil Procedure, secs. 1962 (5), 1963 (31).

GEORGIA.....Park's Annotated Code 1914 (Civil), sec. 3012.  
LOUISIANA.....Merrick's Revised Civil Code 1912, arts. 184-197;  
208-212.  
MONTANA.....Revised Codes 1907, secs. 3738-3740.  
NORTH DAKOTA.....Compiled Laws 1913, secs. 4420-4422, 7935 (5), 7936 (31).  
OKLAHOMA.....Revised Laws 1910, secs. 4364-4366.  
OREGON.....Lord's Oregon Laws 1910, secs. 798 (6), 799 (32).  
PORTO RICO.....Revised Statutes and Codes 1911, secs. 3250-3256.  
SOUTH DAKOTA.....Revised Codes 1903 (Civil), secs. 107-109.

ALABAMA.....Code 1907, secs. 5199-5201.  
ALASKA.....Compiled Laws 1913, secs. 438, 597-598.  
ARIZONA.....Revised Statutes 1913, Civil Code, secs. 1103, 1198,  
3840.  
ARKANSAS.....Kirby and Castle's Digest 1916, sec. 2853.  
CALIFORNIA.....Deering's Civil Code 1915, secs. 215, 230, 1387.  
COLORADO.....Revised Statutes 1908, sec. 7046.  
CONNECTICUT.....General Statutes 1918, sec. 5061.  
DELAWARE.....(No provisions.)  
DISTRICT OF CO-  
LUMBIA.....Code of Law 1911, sec. 957.  
FLORIDA.....General Statutes 1906, sec. 2602.  
GEORGIA.....Park's Annotated Code 1914 (Civil), secs. 3012-3013.  
HAWAII.....Revised Laws 1915, sec. 2996.  
IDAHO.....Revised Codes 1908, secs. 2699, 2709, 5703.  
ILLINOIS.....Hurd's Revised Statutes 1917, ch. 17, sec. 15; ch. 39,  
sec. 3.  
INDIANA.....Burns' Annotated Statutes 1914, secs. 3000-3001.  
IOWA.....Code 1897, secs. 3150, 3385.  
KANSAS.....General Statutes 1915, sec. 3845.  
KENTUCKY.....Statutes 1915, sec. 1398.  
LOUISIANA.....Marr's Annotated Revised Statutes 1915, secs. 4142-  
4143.  
Merrick's Revised Civil Code 1912, arts. 198-201, 203-  
206.  
MAINE.....Revised Statutes 1916, ch. 80, sec. 3.  
MARYLAND.....Annotated Code, vol. 1 (1911), art. 46, sec. 29.  
MASSACHUSETTS...Revised Laws 1902, ch. 133, sec. 5.  
MICHIGAN.....Compiled Laws 1915, secs. 11387-11391, 11798.  
MINNESOTA.....General Statutes 1913, secs. 7105, 7240.  
MISSISSIPPI.....Code 1906, sec. 542, as amended by Laws 1910, ch. 185;  
sec. 1655.  
MISSOURI.....Revised Statutes 1909, secs. 341, 344.

**LEGITIMATION, METHODS OF**—Continued.

- MONTANA.....Revised Codes 1907, secs. 3760, 3770, 4821.  
 NEBRASKA.....Revised Statutes 1913, sec. 1273.  
 NEVADA.....Revised Laws 1912, secs. 2351, 5833, 6117.  
 NEW HAMPSHIRE...Public Statutes 1901, ch. 174, sec. 18.  
 NEW JERSEY.....Compiled Statutes 1910, vol. 3, p. 3874, sec. 160, as  
                     amended by Laws 1918, ch. 63.  
                     Laws 1914, ch. 5, sec. 1.  
                     Laws 1915, ch. 173, secs. 1-3.  
 NEW MEXICO.....Statutes 1915, sec. 1850, as amended by Laws 1915, ch.  
                     69 (see also Statutes 1915, Appendix, p. 106); 1852.  
 NEW YORK.....Birdseye Consolidated Laws (2d ed.) 1917, vol. 2, Do-  
                     mestic Relations, ch. 14, sec. 24.  
 NORTH CAROLINA...Pell's Revisal 1908, secs. 263-264.  
                     Laws 1917, ch. 219, secs. 1-2.  
 NORTH DAKOTA....Compiled Laws 1913, secs. 4421, 4450, 5745.  
                     Laws 1917, ch. 70, secs. 1-3.  
 OHIO.....General Code 1910, sec. 8591.  
 OKLAHOMA.....Revised Laws 1910, secs. 4365; 4399, as amended by  
                     Laws 1910-1911, p. 169, ch. 73; sec. 8420.  
 OREGON.....Lord's Oregon Laws 1910, secs. 7026, 7351-7352.  
                     Laws 1917, ch. 48, sec. 14.  
 PENNSYLVANIA....Stewart's Purdon's Digest 1700-1903, vol. 3, p. 2445,  
                     sec. 31 (in part repealed by Laws 1917, No. 192, pp.  
                     443-444).  
                     Laws, 1917, No. 192, sec. 15(d).  
 PORTO RICO.....Revised Statutes and Codes 1911, secs. 225, 405, 3250,  
                     3257-3265, 3389, 3809.  
 RHODE ISLAND....(No provisions.)  
 SOUTH CAROLINA...(No specific provisions, but consult Civil Code 1912, sec.  
                     3798.)  
 SOUTH DAKOTA....Revised Codes 1903 (Civil), secs. 108, 138, 1096.  
 TENNESSEE.....Thompson's Shannon's Code 1918, secs. 5402, 5406-5408,  
                     5412-5413, 6027 (10), 6069.  
 TEXAS.....Revised Statutes 1911 (Civil), art. 2472.  
 UTAH.....Compiled Laws 1917, secs. 19, 393, 6413.  
 VERMONT.....General Laws 1917, sec. 3419.  
 VIRGINIA.....Code 1904, sec. 2553.  
 WASHINGTON.....Remington's Codes and Statutes 1915, secs. 1345, 7155.  
 WEST VIRGINIA....Barnes' Code 1916, ch. 78, sec. 6.  
 WISCONSIN.....Statutes 1917, secs. 2274, 2339n-25.  
 WYOMING.....Compiled Statutes 1910, sec. 5731.

**MARRIAGE AND DIVORCE**—Effect of void and annulled marriages and of divorce on legitimacy of children, etc.:

- ALABAMA.....Code 1907, secs. 3807, 4880.  
 ALASKA.....Compiled Laws 1913, sec. 597.  
                     Laws 1917, ch. 56, secs. 12-14.

**MARRIAGE AND DIVORCE—Continued.**

- ARIZONA.....Revised Statutes 1913, Civil Code, secs. 1103; 3864. as amended by Laws 1917, ch. 54.
- ARKANSAS.....Kirby and Castle's Digest 1916, secs. 2854, 2887, 6085, 6095-6096, 6098, 6105.
- CALIFORNIA.....Deering's Civil Code 1915, secs. 84, 144-145, 194, 1387.
- COLORADO.....Revised Statutes 1908, sec. 2112 (apparently superseded by Laws 1915, ch. 74, and Laws, 1917, ch. 65).
- CONNECTICUT.....General Statutes 1918, secs. 5289-5293.
- DELAWARE.....Revised Code 1915, secs. 3029-3030.
- DISTRICT OF CO-  
LUMBIA.....Code of Law 1911, secs. 972-974.
- FLORIDA.....General Statutes 1906, secs. 1929, 2579, 2586.
- GEORGIA.....Park's Annotated Code 1914 (Civil), secs. 2180, 2935, 2963, 3012.  
Park's Annotated Code 1914 (Penal), sec. 369.
- HAWAII.....Revised Laws 1915, secs. 2922-2923, 2940-2941.
- IDAHO.....Revised Codes 1908, secs. 2642, 2669, 5703.
- ILLINOIS.....Hurd's Revised Statutes 1917, ch. 40, sec. 3; ch. 89, secs. 4, 18.
- INDIANA.....Burns' Annotated Statutes 1914, secs. 1060-1064.
- IOWA.....Code 1897, secs. 3175, 3185-3186.
- KANSAS.....General Statutes 1915, sec. 7585.
- KENTUCKY.....Statutes 1915, secs. 166, 1399a-1399b, 2098-2099.
- LOUISIANA.....Marr's Annotated Revised Statutes 1915, secs. 4453-4454.  
Merrick's Revised Civil Code 1912, arts. 181-183, 198, 204.
- MAINE.....Revised Statutes 1916, ch. 65, secs. 13, 16-17.
- MARYLAND.....(No provisions.)
- MASSACHUSETTS....Revised Laws 1902, ch. 151, secs. 6, 12-13 (sec. 14 repealed), 15; ch. 152, sec. 22.  
Laws 1902, ch. 310, secs. 1-2.
- MICHIGAN.....Compiled Laws 1915, secs. 11367, 11387-11392, 11418-11420.
- MINNESOTA.....General Statutes 1913, sec. 7105.
- MISSISSIPPI.....Code 1906, sec. 1670.
- MISSOURI.....Revised Statutes 1909, secs. 342, 2370, 8291.
- MONTANA.....Revised Codes 1907, secs. 3638, 3683-3684, 4821.
- NEBRASKA.....Revised Statutes 1913, secs. 1591-1594, 1608.
- NEVADA.....Revised Laws 1912, secs. 2339, 6117.
- NEW HAMPSHIRE...Public Statutes 1901, ch. 174, sec. 3; ch. 175, sec. 7.
- NEW JERSEY.....Compiled Statutes 1910, vol. 2, p. 2022, sec. 1.
- NEW MEXICO.....Statutes 1915, sec. 3434.
- NEW YORK.....Parson's Code of Civil Procedure 1918, secs. 1745, 1749, 1759-1760.

**MARRIAGE AND DIVORCE**—Continued.

- NORTH CAROLINA... Pell's Revisal 1908, secs. 1556, rule 13, 1569, 2083.  
                                     Supplement 1913, p. 2087 (see also Laws of 1911, ch. 215  
                                     and 1913, ch. 123), as amended by Laws 1917, ch. 135.
- NORTH DAKOTA.....Compiled Laws 1913, secs. 4394-4395, 4370, 5745.
- OHIO.....General Code 1910, secs. 8591, 11987.
- OKLAHOMA.....Revised Laws 1910, secs. 4974, 8420.
- OREGON.....Lord's Oregon Laws 1910, sec. 7026.
- PENNSYLVANIA.....Stewart's Purdon's Digest 1700-1903, vol. 1, p. 1247,  
                                     sec. 32; vol. 3, p. 2446, secs. 32-33.
- PORTO RICO.....(No specific provisions.)
- RHODE ISLAND.....General Laws 1909, ch. 243, secs. 2-3.
- SOUTH CAROLINA...Code 1912 (Civil), sec. 3756 (Slave marriages).
- SOUTH DAKOTA.....Revised Codes 1903 (Civil), secs. 63, 81-82, 1096.
- TENNESSEE.....Thompson's Shannon's Code 1918, secs. 4179, 4198-4200,  
                                     4229.
- TEXAS.....Revised Statutes 1911 (Civil), arts. 2472, 4614-4616,  
                                     4636.
- UTAH.....Compiled Laws 1917, secs. 2968, 6413.
- VERMONT.....General Laws 1917, secs. 3546, 3553, 3597.
- VIRGINIA.....Code 1904, secs. 2227, 2554.
- WASHINGTON.....(No provisions.)
- WEST VIRGINIA....Barnes' Code 1916, ch. 63, sec. 8; ch. 78, sec. 7.
- WISCONSIN.....Statutes 1917, secs. 2339n-24 to 2339n-25.
- WYOMING.....Compiled Statutes 1910, secs. 3941-3944.

**MATERNITY HOSPITALS, LYING-IN HOMES, BOARDING HOMES FOR INFANTS.**—Provisions for admission of illegitimate children and for records, etc., regarding same. (References are made only to those laws which specify illegitimacy. Approximately 18 to 20 States have laws on the subject.)

- INDIANA.....Burns' Annotated Statutes 1914, secs. 3678a-3678n;  
                                     (secs. 3678c, 3678h-3678k apply specifically).
- MAINE.....Revised Statutes 1916, ch. 64, sec. 58, as amended by  
                                     Laws 1917, ch. 176.  
                                     Laws 1917, ch. 149, secs. 1-4.
- MINNESOTA.....Laws 1917, ch. 212, secs. 8-10.
- NORTH DAKOTA....Laws 1915, ch. 183, secs. 3, 8, 10-11.
- WISCONSIN.....Statutes 1917, secs. 1542a-1542g.

**NAME.**—Provisions as to whose name child shall bear (Consult also "ILLEGITIMACY PROCEEDINGS").

- ALABAMA.....Code 1907, sec. 5201.
- HAWAII.....Revised Laws 1915, secs. 3070-3071.
- PENNSYLVANIA.....Stewart's Purdon's Digest 1700-1903, vol. 2, p. 2004,  
                                     secs. 52 (in part repealed by Laws 1917, No. 192,  
                                     pp. 443-444), 55; vol. 3, p. 3197, sec. 4.
- PORTO RICO.....Revised Statutes and Codes 1911, sec. 3256.
- TENNESSEE.....Thompson's Shannon's Code 1918, sec. 5412.
- WISCONSIN.....Statutes 1917, sec. 1022-30 (item 21).

**RESIDENCE, SETTLEMENT, DOMICILE.**—Illegitimate child to have residence of mother; settlement for obtaining benefits of poor laws.

- GEORGIA.....Park's Annotated Code 1914 (Civil), sec. 2184.  
 INDIANA.....Burns' Annotated Statutes 1914, sec. 9745.  
 IOWA.....Code 1897, sec. 2224(5).  
 KANSAS.....General Statutes 1915, sec. 6821 (item 3).  
 MAINE.....Revised Statutes 1916, ch. 29, sec. 1.  
 MASSACHUSETTS....Laws 1911, ch. 669, sec. 1 (repeals Revised Laws 1902, ch. 80).  
 NEW HAMPSHIRE...Public Statutes 1901, ch. 83, sec. 1 (item 3).  
 NEW JERSEY.....Compiled Statutes 1910, vol. 3, p. 4012, sec. 4, superseded by Laws 1911, ch. 196, sec. 9, as amended by Laws 1912, ch. 14.  
 NORTH CAROLINA..Pell's Revisal 1908, sec. 1333 (item 4).  
 NORTH DAKOTA....Compiled Laws 1913, sec. 2501 (item 3).  
 OKLAHOMA.....Revised Laws 1910, sec. 4534.  
 PENNSYLVANIA....Stewart's Purdon's Digest 1700-1903, vol. 3, p. 3566, sec. 60.  
 RHODE ISLAND....General Laws 1909, ch. 92, sec. 1 (item 3).  
 SOUTH CAROLINA...Code 1912 (Civil), sec. 1530 (item 3).  
 SOUTH DAKOTA....Revised Codes 1903 (Political), sec. 2764 (item 3).  
 UTAH.....Compiled Laws 1917, sec. 1400x44.  
 WISCONSIN.....Statutes 1917, sec. 1500 (item 3).

**WORKMEN'S COMPENSATION LAWS.**—Those specifically applied to illegitimate or to acknowledged illegitimate children in defining children entitled to the benefits of the law.

- HAWAII.....Laws 1915, act 221, sec. 10, as amended by Laws 1917, act 227.  
 IDAHO.....Laws 1917, ch. 81, sec. 14.  
 INDIANA.....Laws 1915, ch. 106, sec. 38.  
 KENTUCKY.....Laws 1916, ch. 33, sec. 14.  
 LOUISIANA.....Marr's Annotated Revised Statutes 1915, sec. 3967, as amended by Laws 1918, No. 38.  
 MONTANA.....Laws 1915, ch. 96, sec. 6p.  
 NEVADA.....Laws 1913, ch. 111, sec. 26, as amended by Laws 1917, ch. 233.  
 NEW JERSEY.....Laws 1911, ch. 95, sec. 12, as amended by Laws 1914, ch. 244.  
 NEW MEXICO.....Laws 1917, ch. 83, sec. 12 (j and k).  
 NEW YORK.....Birdseye Consolidated Laws (2d ed.) 1917, vol. 8, Workmen's Compensation, ch. 67, sec. 3.  
 OREGON.....Laws 1913, ch. 112, sec. 14, as amended by Laws 1917, ch. 288.  
 PORTO RICO.....Laws 1918, No. 10, sec. 3.  
 VERMONT.....General Laws 1917, sec. 5759.  
 VIRGINIA.....Laws 1918, ch. 400, sec. 40.  
 WASHINGTON.....Remington's Codes and Statutes 1915, sec. 6604-3, as amended by Laws 1917, ch. 120, sec. 1.



**MISCELLANEOUS.**

- MISSISSIPPI.....Code 1906, sec. 721, as amended by Laws 1914, ch. 214  
(Death by wrongful act—illegitimate child may recover for death of mother).
- SOUTH CAROLINA...Code 1912 (Civil), secs. 3454, 3562, 3575 (Death by  
wrongful act—illegitimate child may recover for  
death of mother).

**SUPPORT LEGISLATION.**

**ILLEGITIMACY PROCEEDINGS.**—Legislation for the support of the illegitimate child; proceedings against the father.

- ALABAMA.....Code 1907, secs. 6364-6388.
- ALASKA.....(No provisions.)
- ARIZONA.....Revised Statutes 1913, Penal Code, secs. 369-381.
- ARKANSAS.....Kirby and Castle's Digest 1916, secs. 587-600, sec. 1493  
(Jurisdiction); Constitution art. 7, sec. 28 (Jurisdiction).
- CALIFORNIA.....Deering's Civil Code 1915, sec. 196a (Support of illegitimate child); secs. 138-140 (Provisions for enforcement of section 196a).
- COLORADO.....Revised Statutes 1908, secs. 353-358.
- CONNECTICUT.....General Statutes 1918, secs. 6006-6015, 6160.
- DELAWARE.....Revised Code 1915, secs. 3072-3076; 3077, as amended  
by Laws 1917, ch. 228; 3078-3088 (Secs. 546, 3804,  
3992, 4001-4003, 4237, 4466 constitute certain jurisdictional and other provisions).
- DISTRICT OF CO-  
LUMBIA.....37 U. S. Statutes at Large, p. 134, ch. 171, secs. 1-8.
- FLORIDA.....General Statutes 1906, secs. 2598-2602.
- GEORGIA.....Park's Annotated Code 1914 (Penal), secs. 682, 1330-1336.
- HAWAII.....Revised Laws 1915, secs. 2272-2273, 2478, 3005-3015.
- IDAHO.....(No provisions.)
- ILLINOIS.....Hurd's Revised Statutes 1917, ch. 17, secs. 1-17.
- INDIANA.....Burns' Annotated Statutes 1914, secs. 1013-1034, 1063,  
1382 (10), 8377-8380.
- IOWA.....Code 1897, secs. 5629-5636.
- KANSAS.....General Statutes 1915, secs. 5117-5138.
- KENTUCKY.....Statutes 1915, secs. 166-181.
- LOUISIANA.....Merrick's Revised Civil Code 1912, arts. 210, 239-245.  
(See also "CARE AND SUPPORT." Louisiana has no law conforming to provisions in other States.)
- MAINE.....Revised Statutes 1916, ch. 85, sec. 59. Ch. 102, secs.  
1-6; 7, as amended by Laws 1917, ch. 84; 8-9; 10, as  
amended by Laws 1917, ch. 158, sec. 11.
- MARYLAND.....Annotated Code, vol. 3 (1914), art. 12, secs. 1-12.
- MASSACHUSETTS....Revised Laws 1902, ch. 84, sec. 4, as amended by Laws  
1909, ch. 208.  
Laws 1913, ch. 563, secs. 1-7; 8, as added by Laws  
1918, ch. 199.
- MICHIGAN.....Compiled Laws 1915, secs. 7753-7763, 7794, 15700.

## ILLEGITIMACY PROCEEDINGS—Continued.

- MINNESOTA.....General Statutes 1913, secs. 3214-3224, as amended by Laws 1917, ch. 210, sec. 1; 3225a-3225e, as added by Laws 1917, ch. 210, sec. 1 (sec. 2: Constitutionality); 8703a, as added by Laws 1917, ch. 211.  
Laws 1917, ch. 194, secs. 2-5; ch. 212, sec. 10.
- MISSISSIPPI.....Code 1906, secs. 268-283.
- MISSOURI.....(No provisions.)
- MONTANA.....Revised Codes 1907, secs. 9576-9583.
- NEBRASKA.....Revised Statutes 1913, secs. 357-364.
- NEVADA.....Revised Laws 1912, secs. 765-766.
- NEW HAMPSHIRE...Public Statutes 1901, ch. 87, secs. 1; 2, Supplement 1913, p. 161; 3-12; ch. 204, sec. 4.
- NEW JERSEY.....Compiled Statutes 1910, vol. 1, p. 184, secs. 1-34; vol. 3, p. 3981, sec. 35; p. 4004, sec. 133.  
Laws 1912, ch. 103, secs. 1-3.
- NEW MEXICO.....(No provisions.)
- NEW YORK.....Birdseye Consolidated Laws (2d ed.) 1917, vol. 4, Judiciary Law, ch. 30, sec. 4; vol. 5, Penal Law, ch. 40, sec. 1843; vol. 6, Poor Law, ch. 42, secs. 60-75; vol. 7, Second Class Cities, ch. 53, sec. 185.  
Bender's Code of Criminal Procedure 1918, secs. 838-886.
- NORTH CAROLINA...Pell's Revision 1908, secs. 252-264, 1915-1919.
- NORTH DAKOTA....Compiled Laws 1913, secs. 10483-10500.  
Laws 1917, ch. 70, secs. 1-3.
- OHIO.....General Code 1910, secs. 12110-12135.
- OKLAHOMA.....Revised Laws 1910, secs. 1816, as amended by Laws 1917, ch. 119 (Jurisdiction of County Court); 3885, 4401-4406; 4407, as amended by Laws 1915; ch. 91, 4408-4411.
- OREGON.....Laws 1917, ch. 48, secs. 1-14.
- PENNSYLVANIA....Stewart's Purdon's Digest 1700-1903, vol. 1, p. 955, secs. 247-248; Supplement 1905-1915, vol. 5, p. 5852, secs. 52-57.  
Laws 1917, No. 145, secs. 1-3.
- PORTO RICO.....Revised Statutes and Codes 1911, secs. 3263-3267. (No provisions conforming to laws in the States.)
- RHODE ISLAND....General Laws 1909, ch. 95, secs. 1-3; 4-5, as amended by Laws 1915, ch. 1215; 6-8; 9, as amended by Laws 1915, ch. 1215; 10-11; 12-14, as amended by Laws 1915, ch. 1215, 15-18.
- SOUTH CAROLINA...Code 1912 (Criminal), secs. 691-695; (Civil), sec. 974.
- SOUTH DAKOTA....Revised Codes 1903 (Civil), secs. 107-109. (See also "LEGITIMACY, PRESUMPTION OF").  
Revised Codes 1903 (Civil Procedure), secs. 807-816.
- TENNESSEE.....Thompson's Shannon's Code 1918, secs. 2707, 6040, 6931 (1), 7332-7353.
- TEXAS.....(No provisions.)
- UTAH.....Compiled Laws 1917, secs. 380-395.

**ILLEGITIMACY PROCEEDINGS—Continued.**

VERMONT.....General Laws 1917, secs. 2343-2351, 2417-2419, 3608-3632. (For jurisdiction of city and municipal courts, see Laws of 1908, No. 62.)

VIRGINIA.....(No provisions.)

WASHINGTON.....(No provisions.)

WEST VIRGINIA.....Barnes' Code 1916, ch. 80, secs. 1-6.

WISCONSIN.....Statutes 1917, secs. 750.2, 1530-1533, 1533a-1533b, 1533m, 1534-1542.

WYOMING.....Compiled Statutes 1910, secs. 6371-6394.

**CARE AND SUPPORT.—Legal liability of parent to support child; support by public authorities, etc.**

CALIFORNIA.....Deering's Civil Code 1915, sec. 196 (apparently applicable to mother who, under sec. 200, has custody of the child), 196a. (See also "ILLEGITIMACY PROCEEDINGS.")

Deering's Political Code, sec. 2290: Care and Support of Foundlings.

CONNECTICUT.....General Statutes 1918, sec. 1795.

DELAWARE.....Revised Code 1915, sec. 3034.

GEORGIA.....Park's Annotated Code 1914 (Civil), sec. 3027; (Penal), sec. 379.

HAWAII.....Revised Laws 1915, sec. 2995.

IOWA.....Code 1897, secs. 2216, 2250.

LOUISIANA.....Merrick's Revised Civil Code 1912, arts. 239-245.

MINNESOTA.....Laws 1917, ch. 194, secs. 2-5; ch. 397, sec. 1. (Juvenile court laws: Illegitimate classed as "dependent.")

MONTANA.....Revised Codes 1907, sec. 3741.

NORTH DAKOTA.....Laws 1917, ch. 70, sec. 1.

OKLAHOMA.....Revised Laws 1910, sec. 4367.

PORTO RICO.....Revised Statutes and Codes 1911, secs. 3266-3267, 3283-3290.

**MOTHERS' PENSIONS.—By the end of 1918, 36 States had adopted mothers' pension laws. One of these States—Michigan—specifically makes provision for aid to "unmarried" mothers. In Massachusetts, New Hampshire, North Dakota, and Utah the laws apply to "all mothers," but the conditions imposed as to character might exclude the mother of a child of illegitimate birth. Under the language of the laws of the other States listed it would seem possible to extend aid to the mother of a child of illegitimate birth also; restrictions as to character are imposed in these States also. In 26 States the mothers of children of illegitimate birth are not included.**

COLORADO.....Revised Statutes 1908, sec. 558, as amended by Laws 1913, p. 694.

MASSACHUSETTS.....Laws 1913, ch. 763, secs. 1-4.

MICHIGAN.....Compiled Laws 1915, sec. 2017.

MISSOURI.....Laws 1917, p. 151, secs. 1-10.

MONTANA.....Laws 1917, ch. 83, secs. 1-7 (apparently supersedes Laws 1915, ch. 86).

**MOTHERS' PENSIONS—Continued.**

- NEBRASKA.....Revised Statutes 1913, sec. 1250.  
Laws 1915, ch. 187, secs. 1-4.
- NEVADA.....Revised Laws 1912, sec. 739, as amended by Laws 1913,  
ch. 133.  
Laws 1915, ch. 131, secs. 1; 2, as amended by Laws  
1917, ch. 11, secs. 3-8.
- NEW HAMPSHIRE....Laws 1915, ch. 132, secs. 1-10.
- NORTH DAKOTA....Laws 1915, ch. 185, secs. 1-8.
- UTAH.....Compiled Laws 1917, secs. 3960-3968.

**ABANDONMENT, DESERTION, NONSUPPORT.**—First hereunder are given the laws specifically applying to illegitimate children; and second, laws specifying "any parent," "every person," "his or her child," etc., since this terminology would appear to apply both to the putative father and the mother of an illegitimate child; but certain judicial authorities have decided that the putative father is not included. Only the more advanced type of family desertion and nonsupport legislation has been included.

**LAWS SPECIFICALLY APPLYING TO ILLEGITIMATE CHILDREN.**

- CALIFORNIA.....Deering's Penal Code 1915, secs. 270, as amended by  
Laws 1917, ch. 168; 270b, 270d, 271, 271a, 273h.
- COLORADO.....Laws 1911, ch. 179, secs. 1-10.
- DELAWARE.....Revised Code 1915, secs. 3034-3046, 3088.
- ILLINOIS.....Hurd's Revised Statutes 1917, ch. 58, secs. 1-3.
- MASSACHUSETTS....Laws 1911, ch. 456, secs. 1-4; 5-6, as amended by Laws  
1918, ch. 257, secs. 453-454; 7; 8, as amended by Laws  
1912, ch. 310. (Made applicable by Laws 1913, ch.  
563, sec. 7.)  
Laws 1917, ch. 163, as amended by Laws 1918, ch. 257,  
sec. 455.
- MINNESOTA.....General Statutes 1913, secs. 8666-8668 as amended,  
and 8668A as added, by Laws 1917, ch. 213. (Made  
applicable by sec. 3218, as amended by Laws 1917,  
ch. 210. (See "ILLEGITIMACY PROCEEDINGS."))
- NEBRASKA.....Revised Statutes 1913, secs. 8614-8616.
- NEVADA.....Revised Laws 1912, sec. 766.
- NEW HAMPSHIRE....Public Statutes 1901, Supplement 1913, p. 518 (1913, ch.  
57, sec. 1).
- OHIO.....General Code 1910, secs. 13008-13017; 13018, as amended  
by Laws 1913, p. 913; 13019, as amended by Laws  
1911, p. 115, 13020-13021.
- PENNSYLVANIA....Laws 1917, No. 145, secs. 1-3; No. 290, secs. 1-6.
- WEST VIRGINIA....Laws 1917, ch. 51, secs. 1-9.
- WISCONSIN.....Statutes 1917, secs. 4587c.1 to 4587c.6, 4587d.

**LAWS APPARENTLY APPLYING TO ILLEGITIMATE CHILDREN.**

- ALABAMA.....Laws 1915, p. 560, secs. 1-11.
- ALASKA.....Laws 1915, ch. 12, secs. 1-3.
- ARIZONA.....Revised Statutes 1913, Penal Code secs. 249, 251.
- ARKANSAS.....Kirby and Castle's Digest 1916, secs. 1589-1590 (1650-  
1651 not applicable).

**ABANDONMENT, DESERTION, NONSUPPORT—Continued.**

- CONNECTICUT.....General Statutes 1918, sec. 6416.
- DISTRICT OF CO-  
LUMBIA.....34 U. S. Statutes at Large, p. 86, ch. 1131, secs. 1-3 (see also Code 1911, p. 417). (The term "any person \* \* \* applies only to parents of lawful children, and not to parents of bastards."—*Moss v. United States*, 29 D. C. App. 188.)
- FLORIDA.....Laws 1913, ch. 6483, sec. 1.
- HAWAII.....Revised Laws 1915, sec. 2970, as amended by Laws 1915, act 100; sec. 2971.
- IDAHO.....Revised Codes 1908, secs. 6781-6782, as amended by Laws 1915, ch. 83.
- ILLINOIS.....Hurd's Revised Statutes 1917, ch. 68, secs. 27-37 (secs. 24-26 are superseded by a later act).
- INDIANA.....Burns' Annotated Statutes 1914, secs. 2635; 2635a, as amended by Laws 1915, ch. 179; 2635b.
- KANSAS.....General Statutes 1915, secs. 3410-3416.
- KENTUCKY.....Laws 1916, ch. 6, secs. 1-3.
- MAINE.....Revised Statutes 1916, ch. 120, secs. 38-41.
- MICHIGAN.....Compiled Laws 1915, secs. 7789-7793.
- MISSOURI.....Revised Statutes 1909, sec. 4495, as amended by Laws 1911, p. 193.
- MONTANA.....Revised Codes 1907, sec. 8346, as amended by Laws 1917, ch. 78.  
Laws 1917, ch. 77.
- NEVADA.....Laws 1913, ch. 272, secs. 1-2.
- NEW JERSEY.....Laws 1916, ch. 45, sec. 1.  
Laws 1917, ch. 61, secs. 1-5.
- NEW YORK.....Birdseye Consolidated Laws (2d ed.) 1917, vol. 5, Penal Law, ch. 40, secs. 480-481. (The term "parent" does not include the putative father of an illegitimate child.—*People v. Fitzgerald* (1915), 167 App. Div. 85, 152 N. Y. Supp. 641.)
- NORTH DAKOTA.....Compiled Laws 1913, secs. 9595-9600.
- OKLAHOMA.....Laws 1915, ch. 149, secs. 1-2.
- OREGON.....Laws 1913, ch. 244, secs. 1, as amended by Laws 1917, ch. 136; 2-8.
- TENNESSEE.....Thompson's Shannon's Code 1918, sec. 4249a-11 et seq. (The phrase "any person legally chargeable" does not appear applicable.)
- TEXAS.....Laws 1913, ch. 101, secs. 1-7.
- UTAH.....Compiled Laws 1917, secs. 8112-8115.
- VERMONT.....General Laws 1917, secs. 3536-3543.
- VIRGINIA.....Code 1904, Supplement 1916, p. 1030 (Laws 1915, ch. 114).  
Laws 1918, ch. 416, secs. 1-11.
- WASHINGTON.....Remington's Codes and Statutes 1915, secs. 5933-1 to 5933-3.
- WYOMING.....Laws 1915, ch. 72, secs. 1-6 (apparently supersede Laws 1913, ch. 81).

**DELAWARE:**

## Revised Code 1915, sections—

546.....	Illegitimacy proceedings.
808.....	Births, registration of.
3029-3030.....	Marriage and divorce.
3034-3046.....	Abandonment, desertion, nonsupport.
3034.....	Care and support.
3072-3076; 3077, as amended by Laws 1917, ch. 228; 3078-3088.	Illegitimacy proceedings.
3087; 3087a, as added by Laws 1917, ch. 229.	Inheritance.
3088.....	Abandonment, desertion, nonsupport.
3102, 3112.....	Apprenticeship.
3269.....	Inheritance.
3804, 3992, 4001-4003, 4237, 4466.....	Illegitimacy proceedings.

**DISTRICT OF COLUMBIA:**

## Code of Law, 1911, sections—

387.....	Inheritance.
957.....	Inheritance; legitimation, methods of.
958.....	Inheritance.
972-974.....	Marriage and divorce.
34 U. S. Statutes at Large, p. 86, ch. 1131, secs. 1-3 (Code 1911, p. 417).	Abandonment, desertion, nonsupport.
34 U. S. Statutes at Large, p. 1010, ch. 2280, sec. 1.	Births, registration of.
37 U. S. Statutes at Large, p. 134, ch. 171, secs. 1-8.	Illegitimacy proceedings.

**FLORIDA:**

## General Statutes 1906, sections—

1929.....	Marriage and divorce.
2292.....	Inheritance.
2579, 2586.....	Marriage and divorce.
2598-2602.....	Illegitimacy proceedings.
2602.....	Legitimation, methods of.
3218-3219.....	Births and deaths, concealment of.
Laws 1913, ch. 6483, sec. 1.....	Abandonment, desertion, nonsupport.
Laws 1915, ch. 6892, sec. 14.....	Births, registration of.

**GEORGIA:**

Park's Annotated Code 1914 (Political). Births, registration of.  
sections: 1676 (bb).

## Park's Annotated Code 1914 (Civil), sections—

2180.....	Marriage and divorce.
2184.....	Residence.
2933, 2937.....	Marriage and divorce.
3012.....	Marriage; legitimacy, presumption of.
3012-3013.....	Legitimation, methods of.
3036.....	Definitions.
3027.....	Care and support.
3028.....	Custody.
3039-3040.....	Inheritance.
3045.....	Guardianship.

**GEORGIA—Continued.**

Park's Annotated Code 1914 (Penal), sections—

79.....	Births and deaths, concealment of.
369.....	Marriage and divorce.
379.....	Care and support.
682, 1330-1336.....	Illegitimacy proceedings.

**HAWAII:**

Revised Laws 1915, sections—

1133 as amended by Laws 1915, act 48; sec. 1142.	Births, registration of.
2272-2273; 2478.....	Illegitimacy proceedings.
2922-2923, 2940-2941.....	Marriage and divorce.
2970, as amended by Laws 1915, act 100; sec. 2971.	Abandonment, desertion, nonsupport.
2995.....	Inheritance, and care and support.
2996.....	Legitimation, methods of.
3005-3015.....	Illegitimacy proceedings.
3070-3071.....	Name.
3248-3249.....	Inheritance.
4164.....	Births and deaths, concealment of.
Laws 1915, act 221, sec. 10, as amended by Laws 1917, act 227.	Workmen's compensation.

**IDAHO:**

Revised Codes 1908, sections—

2615.....	Incestuous marriages.
2642, 2669.....	Marriage and divorce.
2699.....	Legitimation, methods of.
2703.....	Adoption.
2709.....	Legitimation, methods of.
5703.....	Marriage; inheritance; legitimation, methods of.
5704.....	Inheritance.
5781.....	Guardianship.
6781-6782 as amended by Laws 1915, ch. 83.	Abandonment, desertion, nonsupport.
Laws 1911, ch. 191, sec. 14.....	Births, registration of.
Laws 1917, ch. 81, sec. 14.....	Workmen's compensation.

**ILLINOIS:**

Hurd's Revised Statutes 1917—

Ch. 4, secs. 2, 9a-9c.....	Adoption.
Ch. 9, sec. 2.....	Apprenticeship.
Ch. 17, secs. 1-17.....	Illegitimacy proceedings.
Sec. 13.....	Custody.
Sec. 15.....	Legitimation, methods of.
Ch. 23, secs. 172-173.....	Juvenile courts.
Sec. 183.....	Adoption.
Ch. 38, sec. 44.....	Births and deaths, concealment of.
Ch. 39, secs. 2-3.....	Inheritance; legitimation, methods of.
Ch. 40, sec. 3.....	Marriage and divorce.
Ch. 58, secs. 1-3.....	Abandonment, desertion, nonsupport.

**ILLINOIS—Continued.****Hurd's Revised Statutes 1917—Continued.**

- Ch. 68, secs. 27-37 (24-26 superseded)...Abandonment, desertion, nonsupport.  
 Ch. 89, sec. 1.....Incestuous marriages.  
 Secs. 4, 18.....Marriage and divorce.  
 Ch. 111½, sec. 31.....Births, registration of.

**INDIANA:****Burns' Annotated Statutes 1914, sections—**

- 1013-1034.....Illegitimacy proceedings.  
 1060-1064.....Marriage and divorce.  
 1063, 1382 (10).....Illegitimacy proceedings.  
 2635; 2635a as amended by Laws 1915, Abandonment, desertion, nonsupport.  
     ch. 179; 2635b.....  
 2998, 3000, 3002.....Inheritance.  
 3000, 3001.....Legitimation, methods of.  
 3678a-3678n.....Maternity hospitals.  
 8377-8380.....Illegitimacy proceedings.  
 9745 (item 3).....Residence.  
 Laws 1915, ch. 106, sec. 38.....Workmen's compensation.

**IOWA:****Code 1897, sections—**

- 2216.....Care and support.  
 2224 (5).....Residence.  
 2250.....Care and support.  
 3150.....Legitimation, methods of.  
 3175, 3185-3186.....Marriage and divorce.  
 3251.....Adoption.  
 3260c (Supp. 1913).....Custody.  
 3384-3385.....Legitimation, methods of; inheritance.  
 5629-5636.....Illegitimacy proceedings.  
 Laws 1917, ch. 326, sec. 6.....Births, registration of.

**KANSAS:****General Statutes 1915, sections—**

- 3410-3416.....Abandonment, desertion, nonsupport.  
 3844-3847.....Inheritance.  
 3845.....Legitimation, methods of.  
 5117-5138.....Illegitimacy proceedings.  
 6135.....Incestuous marriages.  
 6821 (item 3).....Residence.  
 7585.....Marriage and divorce.

**KENTUCKY:****Statutes 1915, sections—**

- 166.....Marriage and divorce.  
 166-181.....Illegitimacy proceedings.  
 331e.4.....Juvenile courts.  
 1220.....Births and deaths, concealment of.  
 1397-1398.....Inheritance.  
 1398.....Legitimation, methods of.  
 1399a-1399b.....Marriage and divorce.



**KENTUCKY—Continued.**

## Statutes 1915, sections—

- 2062a.14.....Births, registration of.
- 2096.....Incestuous marriages.
- 2098-2099.....Marriage and divorce.
- Laws 1916, ch. 6, secs. 1-3.....Abandonment, desertion, nonsupport.
- Laws 1916, ch. 33, sec. 14.....Workmen's compensation.

**LOUISIANA:**

## Marr's Annotated Revised Statutes 1915, sections—

- 3977 as amended by Laws 1918, No. 38..Workmen's compensation.
- 4142-4143.....Inheritance, legitimation, methods of.
- 4453-4454.....Marriage and divorce.
- Merrick's Revised Civil Code 1912, articles—
- 27.....Definition.
- 94-95.....Incestuous marriages.
- 178, 180-183.....Definition.
- 181-183.....Marriage and divorce.
- 184-197.....Legitimacy, presumption of.
- 198.....Marriage and divorce.
- 198-201.....Legitimation, methods of.
- 202.....Definition.
- 203-206.....Legitimation, methods of.
- 204.....Marriage and divorce.
- 206-212.....Inheritance.
- 208-212.....Legitimacy, presumption of.
- 213.....Custody.
- 214.....Adoption.
- 238.....Custody.
- 239-245.....Illegitimacy proceedings; care and support.
- 256, 261.....Guardianship.
- 917-929, 933, 949, 954, 1483-1488.....Inheritance.
- 3556 (8).....Definition.
- Laws 1918, No. 257, sec. 14.....Births, registration of.

**MAINE:**

## Revised Statutes 1916—

- Ch. 29, sec. 1.....Residence.
- Ch. 64, sec. 58 as amended by Laws 1917, ch. 176.....Maternity hospitals.
- Ch. 65, sec. 13.....Marriage and divorce; inheritance.
- Ch. 65, secs. 16-17.....Marriage and divorce.
- Ch. 72, sec. 36.....Adoption.
- Ch. 80, sec. 3.....Legitimation, methods of; inheritance.
- Ch. 85, sec. 59.....Illegitimacy proceedings.
- Ch. 102, secs. 1-6; 7 as amended by Laws 1917, ch. 84; 8-9; 10 as amended by Laws 1917, ch. 158; 11.....Illegitimacy proceedings.
- Ch. 120, secs. 38-41.....Abandonment, desertion, nonsupport.
- Ch. 126, sec. 8.....Births and deaths, concealment of.
- Laws 1917, ch. 149, secs. 1-4.....Maternity hospitals.

**MARYLAND:**

## Annotated Code—

- Vol. 1 (1911), art. 6, sec. 11.....Apprenticeship.
- Art. 46, sec. 29.....Legitimation, methods of.
- Secs. 29-30.....Inheritance.
- Vol. 2 (1911), art. 93, sec. 134.....Inheritance.
- Vol. 3 (1914), art. 12, secs. 1-12.....Illegitimacy proceedings.
- Art. 27, secs. 484-488 as added Custody.
- by Laws 1916, ch. 210.

**MASSACHUSETTS:**

## Revised Laws 1902—

- Ch. 29, sec. 1 as amended by Laws Births, registration of.
- 1910 ch. 322; 25.
- Ch. 83, secs. 13, 17-19.....Adoption and custody.
- Ch. 84, sec. 4 as amended by Laws Illegitimacy proceedings.
- 1909 ch. 208.
- Ch. 133, secs. 3-5.....Inheritance.
- Sec. 5.....Legitimation, methods of.
- Ch. 151, secs. 6, 12-13, (sec. 14 Marriage and divorce.
- repealed) 15; ch. 152, sec. 22.
- Ch. 154, sec. 2 as amended by Laws Adoption.
- 1904, ch. 302.
- Ch. 212, secs. 17-18.....Births and deaths, concealment of.
- Laws 1902, ch. 310, secs. 1-2.....Marriage and divorce.
- Laws 1911, ch. 456, secs. 1-4; 5-6 as amend- Abandonment, desertion, nonsup-
- ed by Laws 1918, ch. 257, secs. 453-454; port.
- 7; 8 as amended by Laws 1912, ch. 310.
- Laws 1911, ch. 669, sec. 1.....Residence.
- Laws 1912, ch. 280, sec. 2.....Births, registration of.
- Laws 1913, ch. 563, sec. 1-7; 8 as added Illegitimacy proceedings.
- by Laws 1918, ch. 199.
- Laws 1913, ch. 763, secs. 1-4.....Mothers' pensions.
- Laws 1917, ch. 163 as amended by Laws Abandonment, desertion, nonsup-
- 1918, ch. 257, sec. 455. port.

**MICHIGAN:**

## Compiled Laws 1915, sections—

- 2017.....Juvenile courts; mothers' pensions.
- 5614.....Births, registration of.
- 7230.....Custody.
- 7753-7763.....Illegitimacy proceedings.
- 7789-7793.....Abandonment, desertion, nonsup-
- port.
- 7794.....Illegitimacy proceedings.
- 11367, 11387-11392.....Marriage and divorce; legitimation,
- methods of.
- 11418-11420.....Marriage and divorce.
- 11517.....Apprenticeship.
- 11796-11798.....Inheritance.
- 11798.....Legitimation, methods of.
- 14139.....Adoption.
- 15469-15470.....Births and deaths, concealment of.
- 15700.....Illegitimacy proceedings.

**MINNESOTA:**

General Statutes 1913, sections—

- 3214-3224 as amended, and 3225a- Illegitimacy proceedings.
- 3225e as added, by Laws 1917, ch. 210.
- 4651-4652 and 4661-4662 as amended, Births, registration of.
- and 4653a and 4650a-4660b, as added,
- by Laws 1917, ch. 220.
- 7105..... Marriage and divorce; legitimation,
- methods of.
- 7153-7155 as amended by Laws 1917, Adoption; and custody.
- ch. 222.
- 7240..... Legitimation, methods of.
- 7240-7241..... Inheritance.
- 8666-8668 as amended, and 8668 as Abandonment, desertion, nonsup-
- added, by Laws 1917, ch. 213. port.
- 8697 as amended by Laws 1917, ch. 231.. Births and deaths, concealment of.
- 8703a as added by Laws 1917, ch. 211.... Illegitimacy proceedings.
- Laws 1917, ch. 194, secs. 2-5..... Care and support; illegitimacy pro-
- ceedings.
- Laws 1917, ch. 212, secs. 8-10..... Births, registration of; maternity
- hospitals.
- Laws 1917, ch. 212, sec. 10..... Illegitimacy proceedings.
- Laws 1917, ch. 397, sec. 1( Juvenile court— Care and support; juvenile courts.
- illegitimate child is "dependent").

**MISSISSIPPI:**

Code 1906, sections—

- 268-283..... Illegitimacy proceedings.
- 542 as amended by Laws 1910, ch. 185.. Legitimation, methods of.
- 721 as amended by Laws 1914, ch. 214 Miscellaneous.
- (Death by wrongful act).
- 1655..... Inheritance; legitimation, methods
- of.
- 1670..... Marriage and divorce.

**MISSOURI:**

Revised Statutes 1909, sections—

- 340..... Inheritance.
- 341..... Legitimation, methods of.
- 342..... Marriage and divorce.
- 344..... Legitimation, methods of.
- 403 as amended by Laws 1913, p. 92.... Guardianship.
- 2370..... Marriage and divorce.
- 4470..... Births and deaths, concealment of.
- 4495 as amended by Laws 1911, p. 193... Abandonment, desertion, nonsup-
- port.
- 6677..... Births, registration of.
- 8280..... Incestuous marriages.
- 8291..... Marriage and divorce.
- Laws 1917, p. 151, secs. 1-10..... Mother's pensions.

**MONTANA:**

Revised Codes 1907, sections—

- 1769..... Births, registration of.
- 3611..... Incestuous marriages.
- 3638, 3683-3684..... Marriage and divorce.
- 3738-3740..... Legitimacy, presumption of.

**MONTANA—Continued.**

## Revised Codes 1907, sections—

3741.....	Care and support.
3745.....	Custody.
3760.....	Legitimation, methods of.
3764.....	Adoption.
3770.....	Legitimation, methods of.
3778.....	Guardianship.
4821-4822.....	Marriage and divorce; inheritance; legitimation, methods of.
8346 as amended by Laws 1917, ch. 78..	Abandonment, desertion, nonsup- port.
9576-9583.....	Illegitimacy proceedings.
Laws 1911, ch. 122, sec. 5.....	Juvenile courts.
Laws 1915, ch. 96, sec. 6p.....	Workmen's compensation.
Laws 1917, ch. 77, secs. 1-3.....	Abandonment, desertion, nonsup port.
Laws 1917, ch. 83, secs. 1-7 (This appar- ently supersedes Laws 1915, ch. 86).	Mothers' pensions.

**NEBRASKA:**

## Revised Statutes 1913, sections—

357-364.....	Illegitimacy proceedings.
1250.....	Mothers' pensions.
1273.....	Legitimation, methods of.
1273-1274.....	Inheritance.
1542.....	Incestuous marriages.
1591-1594, 1608.....	Marriage and divorce.
1616, 1620.....	Adoption.
2748.....	Births, registration of.
8614-8616.....	Abandonment, desertion, nonsup- port.
8769.....	Incestuous marriages.
Laws 1915, ch. 187, secs. 1-4.....	Mothers' pensions.

**NEVADA:**

## Revised Laws 1912, sections—

731, 746.....	Adoption; juvenile courts.
739 as amended by Laws 1913, ch. 133..	Mothers' pensions.
765-766.....	Illegitimacy proceedings.
766.....	Abandonment, desertion, nonsup- port; and custody.
2339.....	Marriage and divorce.
2351.....	Legitimation, methods of.
2965.....	Births, registration of.
5828.....	Adoption.
5833.....	Legitimation; methods of.
6117-6118.....	Inheritance; legitimation, methods of; marriage and divorce.
6450.....	Births and deaths, concealment of.
Laws 1913, ch. 111, sec. 26 as amended by	Workmen's compensation.
Laws 1917, ch. 233.....	
Laws 1913, ch. 272, secs. 1-2.....	Abandonment, desertion, nonsup- port.
Laws 1915, ch. 131, secs. 1; 2 as amended by Laws 1917, ch. 11; 3-8.	Mothers' pensions.

**NEW HAMPSHIRE:**

## Public Statutes 1901—

- Ch. 83, sec. 1 (3d).....Residence.  
 Ch. 87, secs. 1; 2, Supp. 1913, p. 161; 3-12. Illegitimacy proceedings.  
 Ch. 174, sec. 3.....Marriage and divorce.  
     Sec. 18.....Inheritance; legitimation, methods of.  
 Ch. 175, sec. 7.....Marriage and divorce.  
 Ch. 181, sec. 2.....Adoption.  
 Ch. 196, secs. 4, Supp. 1913, p. 462; 5. Inheritance.  
 Ch. 204, sec. 4.....Illegitimacy proceedings.  
 Ch. 278, sec. 14.....Births and deaths, concealment of.  
 Supplement 1913, p. 163 (1911, ch. 134, sec. 12). Custody.  
 Supplement 1913, p. 518 (1913, ch. 57, sec. 1). Abandonment, desertion, nonsupport.  
 Laws 1915, ch. 132, secs. 1-10.....Mothers' pensions.

**NEW JERSEY:**

## Compiled Statutes 1910—

- Vol. 1, p. 184, secs. 1-34.....Illegitimacy proceedings.  
 Vol. 2, p. 1784, sec. 118.....Births and deaths, concealment of.  
     P. 1923, sec. 13 as amended by Inheritance.  
     Laws 1917, chs. 139 and 246.  
     P. 2022, sec. 1.....Marriage and divorce.  
 Vol. 3, p. 3874, sec. 169 as amended Inheritance; legitimation, methods of.  
     by Laws 1918, ch. 63.  
     P. 3981, sec. 35.....Illegitimacy proceedings.  
     P. 4004, sec. 133.....Illegitimacy proceedings.  
     P. 4012, sec. 4 (superseded by Laws Residence.  
     1911, ch. 196, sec. 9).  
 Laws 1911, ch. 95, sec. 12, as amended by Workmen's compensation.  
     Laws 1914, ch. 244.  
 Laws 1911, ch. 196, sec. 9, as amended by Residence.  
     Laws 1912, ch. 14.  
 Laws 1912, ch. 103, secs. 1-3.....Illegitimacy proceedings.  
 Laws 1913, ch. 331, secs. 1-3.....Custody.  
 Laws 1914, ch. 5, sec. 1.....Legitimation, methods of.  
 Laws 1915, ch. 173, secs. 1-3.....Legitimation, methods of.  
 Laws 1916, ch. 45, sec. 1.....Abandonment, desertion, nonsupport.  
 Laws 1917, ch. 61, secs. 1-5.....Abandonment, desertion, nonsupport.

**NEW MEXICO:**

## Statutes 1915, sections—

- 13, 17.....Adoption.  
 1850 as amended by Laws 1915, ch. 69 Inheritance; legitimation, methods of.  
     (Statutes 1915, Appendix, p. 106).  
 1851, 1856.....Inheritance.  
 1852.....Legitimation, methods of.  
 2577.....Guardianship.  
 3430.....Incestuous marriages.  
 3434.....Marriage and divorce.  
 Laws 1917, ch. 83, sec. 12 (j and k).....Workmen's compensation.

**NEW YORK:**

Birdseye Consolidated Laws (2d ed.), 1917—

Vol. 2, Decedent Estate, ch. 13, secs. Inheritance.  
89, 98.

Domestic Relations, ch. 14, sec. 5. Incestuous marriages.

Sec. 24. . . . . Legitimation, methods of.

Sec. 86. . . . . Guardianship.

Sec. 111. . . . . Adoption.

Sec. 113. . . . . Adoption.

Vol. 4, Judiciary Law, ch. 30, sec. 4. . . . Illegitimacy proceedings.

Vol. 5, Penal Law, ch. 40, secs. 480, 481. Abandonment, desertion, nonsup-  
port.

Sec. 1843. . . . . Illegitimacy proceedings.

Sec. 2461. . . . . Births and deaths, concealment of.

Vol. 6, Poor Law, ch. 42, secs. 60-75. . . . Illegitimacy proceedings.

Public Health, ch. 45, sec. 383. . . . . Births, registration of.

Vol. 7, Second Class Cities, ch. 53, sec. 185. Illegitimacy proceedings.

Vol. 8, Workmen's Compensation, ch. 67, sec. 3. Workmen's compensation.

Parson's Code of Civil Procedure, 1918, Marriage and divorce.  
secs. 1745, 1749, 1759-1760.

Bender's Code of Criminal Procedure, 1918, Illegitimacy proceedings.  
secs. 838-886.

**NORTH CAROLINA:**

Pell's Revisal, 1908, sections—

136-137. . . . . Inheritance.

201. . . . . Apprenticeship.

252-264. . . . . Illegitimacy proceedings.

263-264. . . . . Legitimation, methods of.

264. . . . . Inheritance.

1333, item 4. . . . . Residence.

1556, rule 9, Supp. 1913 (as amended Inheritance; marriage and divorce.  
by Laws 1913, ch. 71); rules 10 and 13.

1569. . . . . Marriage and divorce.

1915-1919. . . . . Illegitimacy proceedings.

2083, Supp. 1913, p. 2087 (as amended Marriage and divorce.  
by Laws 1917, ch. 135).

3623. . . . . Births and deaths, concealment of.

5438b (14), items 6 and 8, Supp. 1913 Births, registration of.  
(Laws 1913, ch. 109, sec. 14).

Laws 1917, ch. 59, secs. 1-3. . . . . Custody.

Ch. 219, secs. 1-2. . . . . Legitimation, methods of.

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4359. . . . . Incestuous marriages.

4370, 4394-4395. . . . . Marriage and divorce.

4420-4422. . . . . Legitimacy, presumption of.

4421. . . . . Legitimation, methods of.

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4444. . . . . Adoption.

**NORTH DAKOTA—Continued.**

## Compiled Laws 1913, sections—

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5745-5746.....	Inheritance; marriage and divorce; legitimation, methods of.
7935 (5), 7936 (31).....	Legitimacy, presumption of.
9595-9600.....	Abandonment, desertion, nonsup- port.
9606.....	Births and deaths, concealment of.
10483-10500.....	Illegitimacy proceedings.
Laws 1911, ch. 177, secs. 5-6.....	Juvenile courts.
Sec. 17.....	Adoption.
Laws 1915, ch. 183, secs. 3, 8, 10-11.....	Maternity hospitals.
Sec. 8.....	Births, registration of.
Laws 1915, ch. 185, secs. 1-8.....	Mothers' pensions.
Laws 1917, ch. 70, sec. 1.....	Care and support; inheritance.
Secs. 2-3.....	Illegitimacy proceedings; legitima- tion, methods of.

**OHIO:**

## General Code 1910, sections—

219 (items 5-6) as amended by Laws 1913, p. 194.....	Births, registration of.
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13008-13017; 13018 as amended by Laws 1913, p. 913; 13019 as amended by Laws 1911, p. 115; 13020-13021.....	Abandonment, desertion, nonsup- port.

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4365.....	Legitimation, methods of.
4367.....	Care and support.
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4388.....	Adoption.
4399 as amended by Laws 1910-1911, ch. 73.....	Legitimation, methods of.
4401-4406; 4407 as amended by Laws 1915, ch. 91; 4408-4411.....	Illegitimacy proceedings.
4534.....	Residence.
4974.....	Marriage and divorce.
8420.....	Marriage and divorce; legitimation, methods of.
8420-8421.....	Inheritance.
Laws 1915, ch. 149, secs. 1-2.....	Abandonment, desertion, nonsup- port.
Laws 1917, ch. 168, sec. 14 (6).....	Births, registration of.

**OREGON:**

Lord's Oregon Laws 1910, sections—

798 (6), 799 (32).....	Legitimacy, presumption of.
2080, 2088.....	Births and deaths, concealment of.
7026.....	Marriage and divorce; legitimation methods of.
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7099, as amended by Laws 1915, ch. 31..	Adoption.
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Laws 1915, ch. 268, sec. 13 as amended by	Births, registration of.
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**PENNSYLVANIA:**

Stewart's Purdon's Digest 1700-1903—

Vol. 1, p. 901, sec. 3.....	Births and deaths, concealment of.
P. 955, secs. 247-248.....	Illegitimacy proceedings.
P. 1247, sec. 32.....	Marriage and divorce.
Vol. 2, p. 2004, secs. 52 (in part repealed by Laws 1917, No. 192, pp. 444-445), 55.....	Inheritance; name.
Vol. 3, p. 2445, sec. 31 (in part repealed by Laws 1917, No. 192, pp. 443-444). P. 2446, secs. 32-33.....	Legitimation, methods of.
P. 3197, sec. 4.....	Marriage and divorce.
P. 3566, sec. 60.....	Name.
Supplement 1905-1915—	Residence.
Vol. 5, p. 5852, secs. 52-57 (Laws 1907, No. 293, p. 429).....	Illegitimacy proceedings.
Vol. 6, p. 7303, sec. 20 (Laws 1915, No. 402, p. 900, sec. 14).....	Births, registration of.
Laws 1917, No. 145, secs. 1-3.....	Illegitimacy proceedings; abandonment, desertion, nonsupport.
No. 192, secs. 14-15; 27-28.....	Inheritance.
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**PORTO RICO**—Continued.

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Laws 1918, No. 10, sec. 3..... Workmen's compensation.

**RHODE ISLAND:**

## General Laws 1909—

Ch. 92, sec. 1 (item 3).....	Residence.
Ch. 95, secs. 1-3; 4-5 as amended by Laws 1915, ch. 1215; 6-8; 9 as amended by Laws 1915, ch. 1215; 10-11; 12-14 as amended by Laws 1915, ch. 1215; 15-18.	Illegitimacy proceedings.
Ch. 243, secs. 2-3.....	Marriage and divorce.
Ch. 316, sec. 7.....	Inheritance.
Ch. 347, secs. 10-11.....	Births and deaths, concealment of.

**SOUTH CAROLINA:**

## Code 1912 (Civil), sections—

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974.....	Illegitimacy proceedings.
1530 (item 3).....	Residence.
3454, 3562, 3575.....	Inheritance.
3756.....	Marriage and divorce.
3798.....	Adoption; inheritance.

Code 1912 (Criminal), secs. 691-695..... Illegitimacy proceedings.

**SOUTH DAKOTA:**

## Revised Codes 1903 (Political), sec. 2764

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## Revised Codes 1903 (Civil), sections—

38.....	Incestuous marriages.
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107-109.....	Legitimacy, presumption of.
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1096-1097.....	Inheritance.

## Revised Codes 1903 (Civil Procedure), secs.

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Revised Codes 1903 (Penal), secs. 344, 794..... Births and deaths, concealment of.

Laws 1915, ch. 119, secs. 5-6..... Juvenile courts.

Sec. 23..... Adoption.

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3118a-51.....	Births, registration of.
4166-4169 (4168 unconstitutional).....	Inheritance.
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4249a-11.....	Abandonment, desertion, non-sup- port.
4322.....	Apprenticeship.
4436a-65a-15.....	Adoption.
5402, 5406-5408, 5412-5413, 6027 (10) 6069.	Legitimation, methods of.
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6040, 6931(1), 7332-7353.....	Illegitimacy proceedings.

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Revised Statutes 1911 (Civil), articles—

2472.....	Legitimation, methods of; marriage and divorce.
2472-2473.....	Inheritance.
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Laws 1913, ch. 101, secs. 1-7.....	Abandonment, desertion, nonsup- port.
Laws 1917, ch. 129, sec. 9.....	Births, registration of.

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Compiled Laws 1917, sections—

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19.....	Legitimation, methods of.
380-395.....	Illegitimacy proceedings.
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1400-44.....	Residence.
2966.....	Incestuous marriages.
2968.....	Marriage and divorce.
3960-3968.....	Mothers' pensions.
5052.....	Births, registration of.
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**VERMONT—Continued.****General Laws 1917, sections—**

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3786.....	Births, registration of
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6804-6805.....	Births and deaths, concealment of.

**VIRGINIA:****Code 1904, sections—**

2227, 2554.....	Marriage and divorce.
2552-2554.....	Inheritance.
2553.....	Legitimation, methods of
Supp. 1916, p. 845, secs. 14; 20 as amended by Laws 1918, ch. 58.	Births, registration of.
P. 1030, sec. 1 (Laws 1915, ch. 114) apparently superseded by Laws 1918, ch. 416).	Abandonment, desertion, nonsupport.
Laws 1918, ch. 416, secs. 1-11.....	Abandonment, desertion, nonsupport.
Laws 1918, ch. 400, sec. 40.....	Workmen's compensation.

**WASHINGTON:****Remington's Codes and Statutes 1915, sections—**

1345.....	Legitimation, methods of.
1345-1346.....	Inheritance.
2452.....	Births and deaths, concealment of.
5435.....	Births, registration of.
5933-1 to 5933-3.....	Abandonment, desertion, nonsupport.
6604-3 as amended by Laws 1917, ch. 120, sec. 1.	Workmen's compensation.
7155.....	Legitimation, methods of.

**WEST VIRGINIA:****Barnes' Code 1916—**

Ch. 63 sec. 8.....	Marriage and divorce.
Ch. 78, sec. 5.....	Inheritance.
Sec. 6.....	Legitimation, methods of.
Sec. 7.....	Marriage and divorce.
Ch. 80, secs. 1-6.....	Illegitimacy proceedings.
Laws 1915, ch. 70, sections—	
4; 5 as amended by Laws 1917, ch. 63.....	Juvenile courts.
20.....	Adoption.
Laws 1917, ch. 51, secs. 1-9.....	Abandonment, desertion, nonsupport.

**WISCONSIN:****Statutes 1917, sections—**

750.2.....	Illegitimacy proceedings.
1022-30 (items 5 and 21).....	Name; births, registration of.
1500 (item 3).....	Residence.
1530-1533, 1533a-1533b, 1533m, 1534-1542.....	Illegitimacy proceedings.
1542a-1542g.....	Maternity hospitals.
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**WISCONSIN**—Continued.

## Statutes 1917, sections—

2274.....	Inheritance; legitimation, methods of.
2339n-24 to 2339n-25.....	Marriage and divorce; legitimation, methods of.
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4587c.1-4587c.6, 4587d.....	Abandonment, desertion, nonsupport.

**WYOMING:**

## Compiled Statutes 1910, sections—

2957.....	Births, registration of.
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5731-5733.....	Inheritance.
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5739 as amended by Laws 1915, ch. 143.....	Custody, guardianship.
6371-6394.....	Illegitimacy proceedings.
Laws 1915, ch. 72, secs. 1-6.....	Abandonment, desertion, nonsupport.

## CODES, REVISIONS, OR COMPILATIONS USED.

Alabama.....	Code 1907.
Alaska.....	Compiled Laws 1913.
Arizona.....	Revised Statutes 1913.
Arkansas.....	Kirby and Castle's Digest 1916.
California.....	Deering's General Laws 1915. Deering's Penal Code 1915 Deering's Civil Code 1915. Deering's Code of Civil Procedure 1915. Deering's Political Code 1915.
Colorado.....	Revised Statutes 1908.
Connecticut.....	General Statutes 1913.
Delaware.....	Revised Code 1915.
District of Columbia.....	Code of Law 1911. U. S. Statutes at Large.
Florida.....	General Statutes 1906.
Georgia.....	Park's Annotated Code 1914. Supplement 1917.
Hawaii.....	Revised Laws 1915.
Idaho.....	Revised Codes 1908.
Illinois.....	Hurd's Revised Statutes 1917.
Indiana.....	Burns' Annotated Statutes 1914.
Iowa.....	Code 1897, Supplements 1913 and 1915.
Kansas.....	General Statutes 1915.
Kentucky.....	Statutes 1915.
Louisiana.....	Marr's Annotated Revised Statutes 1915. Merrick's Revised Civil Code 1912.
Maine.....	Revised Statutes 1916.
Maryland.....	Annotated Code 1911 and 1914.
Massachusetts.....	Revised Laws 1902.
Michigan.....	Compiled Laws 1915.
Minnesota.....	General Statutes 1913.
Mississippi.....	Code 1906.
Missouri.....	Revised Statutes 1909.
Montana.....	Revised Codes 1907.
Nebraska.....	Revised Statutes 1913.
Nevada.....	Revised Laws 1912.
New Hampshire.....	Public Statutes 1901, Supplement 1901-1913.
New Jersey.....	Compiled Statutes 1910.
New Mexico.....	Statutes 1915.
New York.....	Birdseye Consolidated Laws (2d ed.) 1917. Parson's Code of Civil Procedure 1918. Bender's Code of Criminal Procedure 1918.
North Carolina.....	Pell's Revisal 1908. Supplement 1913-1915.
North Dakota.....	Compiled Laws 1913.
Ohio.....	General Code 1910.

Oklahoma.....	Revised Laws 1910.
Oregon.....	Lord's Oregon Laws 1910.
Pennsylvania.....	Stewart's Purdon's Digest 1700-1903 volumes 1-4. Supplement 1905-1915, volumes 5-7.
Porto Rico.....	Revised Statutes and Codes 1911.
Rhode Island.....	General Laws 1909.
South Carolina.....	Code 1912.
South Dakota.....	Revised Codes 1903.
Tennessee.....	Thompson's Shannon's Code 1918.
Texas.....	Revised Statutes 1911.
Utah.....	Compiled Laws 1917.
Vermont.....	General Laws 1917.
Virginia.....	Code 1904 and Supplements 1910 and 1916.
Washington.....	Remington's Codes and Statutes 1915.
West Virginia.....	Barnes' Code 1916.
Wisconsin.....	Statutes 1917.
Wyoming.....	Compiled Statutes 1910.

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TEXT OF ILLEGITIMACY LAWS OF THE  
UNITED STATES

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## TEXT OF ILLEGITIMACY LAWS OF THE UNITED STATES.<sup>1</sup>

The following compilation of statutes includes the laws of the States and Territories of the United States relating to illegitimate children.

For purposes of comparison the provisions on illegitimacy of the French, German, and Swiss codes are also given (pp. 245-256).

The text of the illegitimacy laws of the United States, the tabular analysis thereof, and the comment regarding this legislation are based upon the laws in effect January 1, 1918. The foreign laws are given as they stood on December 31, 1918.

Laws of the United States relating to illegitimacy passed during the year 1918 are presented in an appendix (p. 259). They involve certain changes in Louisiana, Massachusetts, Porto Rico, and Virginia; the amendment to the inheritance law in New Jersey does not change the provision which relates to the illegitimate child.

With the exception of Massachusetts, where the law is amended by providing that bail or deposits forfeited in illegitimacy proceedings may be applied to the support of the child, no illegitimacy support legislation was enacted during the year 1918. The laws noted in the other States relate to the registration of illegitimate births and to the rights of illegitimate children under workmen's compensation laws.

### ALABAMA.

Criminal Code, 1907.

**SECTION 6364. *Reputed father of bastard arrested on complaint of mother—Warrant.***—  
**Illegitimacy pro-** When any single woman, pregnant with or delivered of a bastard  
**ceedings.** child, makes complaint on oath to any justice of the county where she is so pregnant or delivered, accusing any one of being the father of such child, such justice must issue a warrant against such person, and cause him to be brought before him, and may admit him to bail to appear to answer such charge before him.

**SEC. 6365. *Justice to summon witnesses.***—The justice of the peace must, on the application of the complainant, or the accused, issue subpoenas for witnesses.

**SEC. 6366. *Examination; if probable cause, held under bond to appear at court to answer.***—Such justice must, in the presence of the accused, examine the complainant and her witnesses, and may examine also the accused and his witnesses, respecting the charge; and, if it appears that there is probable cause to believe that the accused is guilty of the charge, must require him to enter into bond, with sufficient surety, in a sum not exceeding one thousand dollars, to be approved by such justice, payable to the State of Alabama, and conditioned that the accused will appear at the next term of the circuit or city court or court of like jurisdiction of such county.

**SEC. 6367. *Justice to return bond to circuit or city court.***—Such justice must return such bond and complaint to the clerk of the circuit or city court, or court of like jurisdiction, by the first day of the term at which the accused is bound to appear.

<sup>1</sup> The cut-in title appearing at the beginning of a section covers the subject matter contained in the succeeding sections until a new cut-in title occurs.

SEC. 6368. *Reputed father imprisoned on default of bond.*—On the failure to give bond as required, the justice must commit the accused to jail until he gives the same, or is otherwise discharged by law.

SEC. 6369. *Clerk to issue subpoenas.*—The clerk of the court, after return of the bond, must, on the application of the complainant or accused, issue subpoenas for witnesses.

SEC. 6370. *State and accused parties to record.*—The proceedings in bastardy are conducted in the name of the State as plaintiff, and the accused as defendant; but no proceeding shall be instituted under this chapter after the lapse of one year from the birth of the child, unless the defendant has, in meanwhile, acknowledged or supported the child.

SEC. 6371. *Forfeiture of bond—Conditional judgment, and writ of arrest.*—If the accused does not appear, his bond is forfeited, and a conditional judgment may be rendered thereon, and the like proceedings had as in case of the forfeiture of bonds for indictable offenses; and the clerk must issue a writ of arrest, as in criminal cases on indictment found.

SEC. 6372. *Rearrest—Defendant discharged on bond of one thousand dollars.*—The sheriff, on arresting the defendant on such writ of arrest, may discharge him on his giving bail for his appearance at court, in the sum of not more than one thousand dollars, to answer a complaint of bastardy; and if such bond is forfeited, a conditional judgment may be rendered thereon, a writ of arrest issue, and the same proceedings had as often as may be necessary.

SEC. 6373. *On appearance, issue made up.*—The court, on the appearance of the accused, must, if he demand it, cause an issue to be made up, to ascertain whether he is the real father of the child or not.

SEC. 6374. *Challenge of jurors.*—On a trial of the issue before a jury, each party has the right to challenge six jurors peremptorily.

SEC. 6375. *Either party may be examined.*—On the trial of such issue, the accuser and accused are each entitled to their oath.

SEC. 6376. *On conviction, judgment for costs, and bond required to support and educate child.*—On the trial of such issue, if found against the defendant, judgment must be rendered against him for the costs, and he must also be required to enter into bond with surety, to be approved by the judge, in the sum of one thousand dollars, payable to the State, and conditioned to pay such sum, not exceeding fifty dollars a year, as the court may prescribe, on the first Monday in January in each year, for ten years, to the judge of probate of the county, for the support and education of the child, which bond must be recorded.

SEC. 6377. *Judgment on failure to give bond.*—On failure to give such bond, the court must render judgment against the defendant for such sum as, at legal interest, will produce the amount directed to be paid yearly; and he must also be sentenced to hard labor for the county for one year, unless in the meantime he executes the bond required or pays the judgment and costs.

SEC. 6378. *Execution on bond issues on failure to make payments.*—If such bond is given, on failure to make any of the payments required, to the judge of probate, on the first Monday in January in each year, execution may issue for such amount against all the obligors to the bond, on the application of the judge of probate, which, when collected, must be paid to him.

SEC. 6379. *Bond; when given after the adjournment of court.*—If such bond is not given before the adjournment of court, it may be given at any time before the term of imprisonment expires, and in such case, must be approved by the judge of probate and recorded and filed in the office of the clerk of the court, and execution may issue thereon from time to time, as under the provisions of the preceding section, and the amount, when collected, paid to the judge of probate.

SEC. 6380. *Defendant discharged on filing bond, paying costs, etc.*—In the case provided for in the preceding section, the defendant must be discharged from imprisonment on payment of the costs, and the judgment against him is discharged.

SEC. 6381. *Proceedings when defendant is not found.*—If the accused does not appear, after the return of two writs of arrest against him "not found" by the sheriff of the county in which the court to which the complaint is returned is held, the facts stated in the complaint must be taken as admitted, and judgment rendered against the accused as provided for by section 6377; and at any time before the payment of such judgment, the defendant may be arrested by a writ of arrest thereon, directed to the sheriff, commanding him to take the defendant and deliver him to the proper authorities for the execution of the judgment.

SEC. 6382. *Discharged from imprisonment on paying judgment or giving bond.*—In the case provided for in the preceding section, the defendant can be discharged from imprisonment by the payment of the judgment, or executing bond in conformity with the provisions of section 6376.

SEC. 6383. *Money collected on bond applied to support of child.*—The amount collected on the forfeiture of any bond for the appearance of the defendant, and on the judgment rendered against him, must be paid into the county treasury; and the interest thereon, not exceeding the yearly sum directed to be paid by the court, must be paid to the judge of probate for the support and education of the child.

SEC. 6384. *Such payment not made after giving bond.*—But such payment must not be made after the defendant gives the bond required by section 6376.

SEC. 6385. *Guardian appointed to receive child's money.*—The judge of probate must appoint a guardian for such child, and upon his giving bond and security as other guardians, the amount received by the judge of probate must be paid to him.

SEC. 6386. *Death of child or marriage of parents; effect of.*—If the child is not alive or if, being born alive, it dies, or on the marriage of the mother and reputed father, on the ascertainment of such facts by the judge of probate, on motion to the court and proof thereof, an entry of record must be made thereof, and the bond be declared void, the judgment vacated, the defendant discharged, and the portion of such judgment paid into the county treasury must be paid, on the certificate of the clerk of the circuit court of the vacation of such judgment, to the defendant.

SEC. 6387. *Complainant pays costs on verdict for defendant.*—In case the issue provided for by section 6373 is found against the complainant, judgment for costs must be rendered against her.

SEC. 6388. *Either party may appeal—Security for costs, execution, etc.*—Either party may appeal to the supreme court within thirty days after judgment. If the appeal is taken by the State, the complainant must give security for the costs of the appeal if the judgment is affirmed; and the defendant, also, if the appeal is taken by him, must give the same security, to be approved by the clerk of the circuit court, the names of the sureties certified with the record to the appellate court, and execution may issue for the costs of the appeal against them from such court, if the judgment of the circuit court is affirmed. But when either the complainant or defendant makes affidavit that she or he is unable, after diligent effort, to make the appeal bond, they may appeal without any bond.

Civil Code, 1907.

SEC. 3760. *Bastards.*—Every illegitimate child is considered as the heir of his mother, and inherits her estate in whole or in part, as the case may be, in like manner as if born in lawful wedlock.

SEC. 3761. *Who inherit from illegitimate child.*—The mother or kindred of an illegitimate child on the part of the mother, are, in default of children of such illegitimate child, or their descendants, entitled to inherit his estate.

SEC. 3807. *Divorce for pregnancy bastardizes issue.*—When a divorce is granted the husband for the pregnancy of the wife at the time of the marriage, the issue is thereby bastardized.

SEC. 4880. *When issue not illegitimate.*—The issue of any incestuous marriage, before void marriage, the same is annulled, shall not be deemed illegitimate.

SEC. 5199. *The marriage of the parents legitimates the children.*—The marriage of the mother and reputed father of a bastard child renders it legitimate if recognized by the father as his child.

SEC. 5200. *Proceedings to legitimate bastard children; effect of.*—The father of a bastard child may legitimate it, and render it capable of inheriting his estate, by making a declaration in writing, attested by two witnesses, setting forth the name of the child proposed to be legitimated, its sex, supposed age, and the name of the mother, and that he thereby recognizes it as his child, and capable of inheriting his estate, real and personal, as if born in wedlock; the declaration being acknowledged by the maker before the judge of probate of the county of his residence, or its execution proved by the attesting witnesses, filed in the office of the judge of probate, and recorded on the minutes of his court, has the effect to legitimate such child.

SEC. 5201. *Child's name changed at same time.*—The father may, at the same time, change the name of such child, stating in his declaration the name it is then known by, and the name he wishes it afterwards to have.

NOTE ON INCESTUOUS MARRIAGES.—The law applies to illegitimate as well as legitimate children and other relations. (Sec. 4877.)

NOTE ON BIRTH REGISTRATION.—Certificate specifies whether child born in lawful wedlock. (Sec. 711, as amended by Laws 1911, p. 116.)

## ALASKA.

Compiled Laws, 1913.

**SECTION 438.** Illegitimate children become legitimate by the subsequent marriage of their parents to each other; \* \* \*.

**SEC. 446.** The power of the mother to bind her children, whether legitimate or illegitimate, shall cease in case of her subsequent marriage, and

**Apprenticeship.** shall not be exercised during the continuance of such marriage. either by herself or her husband.

**SEC. 597.** An illegitimate child shall be considered an heir of its mother, and shall inherit or receive her property, real or personal, in whole or in part, as the case may be, in like manner as if such child had been born in lawful wedlock; but such child shall not be entitled to inherit or receive, as representing his mother, any property, real or personal, of the kindred, either lineal or collateral, of such mother: *Provided*, When the parents of such child have formally married, such child shall not be regarded as illegitimate within the meaning of this code, although such formal marriage shall be adjudged to be void.

**SEC. 598.** If an illegitimate child shall die intestate, without leaving a widow, husband, or lawful issue, the property, real and personal, of such intestate shall descend to or be received by the mother; but if after the birth of an illegitimate child the parents thereof shall intermarry, such child shall be considered legitimate to all intents and purposes.

**SEC. 2005.** That if any woman shall conceal the death of any issue of her body, so that it may not be known whether such issue was born alive or not, or whether it was not murdered, such woman, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than one year, or by imprisonment in the county jail not less than three months nor more than one year.

**SEC. 2006.** That when a woman is indicted for the murder of her bastard infant, she may also be charged in the same indictment with the crime defined in the last preceding section, and if she shall be found not guilty of the charge of murder she may be found guilty of the crime defined in such section and punished accordingly.

Laws of 1917, ch. 56.

An act relating to and regulating marriage and marriage license in the Territory of Alaska, and providing penalties for the violation of same.

**SEC. 12.** All marriages hereafter contracted in violation of any of the requirements of section one (1) of this act shall be null and void, except as hereinafter provided: *Provided*, That the parties to any such void marriage may at any time validate such marriage by complying with the requirements of this act, and the issue thereof, if any, shall thereupon become legitimate, as hereinafter provided.

**SEC. 14.** If a person during the lifetime of a husband or wife with whom the marriage is in force, enters into a subsequent marriage contract in accordance with the provisions of section one (1) of this act, and the parties thereto live together thereafter as husband and wife, and such subsequent marriage contract was entered into by one of the parties in good faith, in the full belief that the former husband or wife was dead, or that the former marriage had been annulled, or dissolved by a divorce, or without knowledge of such former marriage, they shall, after the impediment to their marriage, has been removed by death, or divorce of the other party to such former marriage, if they continue to live together as husband and wife in good faith on the part of one of them, be held to have been legally married from and after the removal of such impediment, and the issue of such subsequent marriage shall be considered as the legitimate issue of both parents.

**NOTE ON BIRTH REGISTRATION.**—Certificate states whether child is legitimate or illegitimate. (Laws 1913, ch. 35, sec. 2.)

## ARIZONA.

Revised Statutes of Arizona, 1913.

## Civil Code.

**SECTION 1103.** Where a man having by a woman a child or children, afterward intermarry with such woman, such child or children shall thereby be legitimized and made capable of inheriting his estate. **Legitimation; void marriages.** The issue also of marriages deemed null in law shall nevertheless

be legitimate.

**Sec. 1104.** Bastards shall be capable of inheriting from and through their mothers, and of transmitting estates, and shall also be entitled to distributive shares of the personal estate of any of their kindred, on the part of their mother, in like manner as if they had been lawfully begotten of such mother. **Inheritance.**

**Sec. 1118.** A guardian of the person or estate, or both, of a child born, or likely to be born, may be appointed by will or by deed, to take effect upon the death of the parent appointing: **Guardianship.**

(2) If the child is illegitimate, by the mother.

**Sec. 1198.** The father of an illegitimate child, by publicly acknowledging it as his own, receiving it as such, with the consent of his wife, if he is married, into his family, and otherwise treating it as if it were a legitimate child, thereby adopts it as such; and such child is thereupon deemed for all purposes legitimate from the time of its birth. The foregoing provisions of this chapter do not apply to such an adoption. **Legitimation**

**Sec. 3840.** When any unmarried persons who have heretofore lived together as husband and wife, and who have had a child or children born out of wedlock, shall have intermarried with each other, such child or children so born out of wedlock, shall be and the same are hereby declared to be legitimate, and entitled to all the rights and privileges of children born in wedlock.

**Sec. 3864.** A divorce from the bonds of matrimony shall not in any wise affect the legitimacy of the children thereof; and either party may, after the dissolution of the marriage, marry again. (As amended by Laws 1917, ch. 54.) **Divorce.**

**NOTE ON INCESTUOUS MARRIAGES.**—The law applies to illegitimate children and relations. (Sec. 3838.)

**NOTES ON BIRTH REGISTRATION.**—The certificate of birth states whether the child is legitimate or illegitimate. (Sec. 4418.)

## Penal Code.

**Sec. 369.** On complaint being made to a justice of the peace by any woman who is delivered of a bastard child, or pregnant with a child which, if born alive, might be a bastard, accusing any person of being the father of such child, the justice shall take the complaint in writing, under her oath, and thereupon shall issue his warrant, directed to the sheriff or any constable of his county, commanding him forthwith to bring such accused person before him to answer such complaint; which warrant may be executed anywhere within this State. **Illegitimacy proceedings.**

**Sec. 370.** The justice shall enter an action in his docket, in which the State shall be plaintiff, and the accused defendant, and shall make such other entries as are required in criminal actions. On the return of the warrant with the accused, the justice shall examine under oath the complainant, and such other witnesses as may be produced by the parties, respecting the complaint, and shall reduce such examination to writing.

**Sec. 371.** If the defendant pays, or secures to be paid, to the complainant such sum of money or other property as she, with the written approval of the board of supervisors of the county, may agree to receive in full satisfaction, a memorandum of which agreement and approval the justice shall enter in his docket, and shall also pay the costs of prosecution and the expenses incurred by such county for the lying-in and support of and attendance upon the mother during her sickness, and give bond to the county, approved by the justice, conditioned to indemnify such county against all charges for the maintenance of the child born, or that may be born, the justice shall discharge him.

**Sec. 372.** If the defendant does not comply with the provisions of the preceding section, and there is probable cause to believe him guilty as charged in the complaint,

the justice shall require him to enter into a recognizance, with sureties approved by the justice, in the sum of not less than one hundred dollars nor more than five hundred dollars, to appear before the superior court of the proper county and answer said complaint and abide the order of such court thereon. If he fails to give such recognizance, the justice shall commit him to the county jail, there to be held to answer such complaint. Thereupon the justice shall certify the examination, and return the same, and all process and papers in the case to the clerk of such court.

SEC. 373. Upon trial, the issue shall be whether the defendant is guilty or not guilty. If he is found guilty, or admits the truth of the accusation, he shall be adjudged to be the father of such child, and be charged with its maintenance in such sum, or in such manner, as the court may direct, together with the costs of prosecution. The aggregate amount which the defendant shall be required to pay, exclusive of the costs of prosecution, shall in no case exceed the sum of six hundred dollars. The examination taken before the justice shall in all cases be read to the jury when demanded by the defendant.

SEC. 374. The person so adjudged to be the father of such child shall give bond to the county, approved by the court, for the performance of such judgment and order, and also for the payment of all expenses incurred by the county for the lying-in and support of, and attendance upon, the mother during her sickness, and for the care and support of such child prior to the giving of such bond. If he fails to give such bond, and to pay the costs of prosecution, he shall be committed to the county jail, there to remain until he complies with such order or is discharged as provided by law.

SEC. 375. Any person who has been imprisoned ninety days for failure to comply with any such judgment and order, may apply to said court, by petition setting forth his inability to comply therewith, and praying to be discharged from imprisonment, and shall attach to such petition a verified schedule of all his property, money, and effects, whether exempt from execution or otherwise. Thereupon the court shall appoint a time and place for hearing said application, of which the petitioner shall give at least fifteen days' notice to the complainant and board of supervisors.

SEC. 376. At the hearing the defendant shall be examined on oath in reference to the facts set forth in such petition and his ability to comply with such judgment and order, and his ability to earn money to comply therewith, and any other legal evidence in reference to such matters may be produced by any of the parties interested. If it appears that such defendant is unable to comply with such judgment and order, the court may direct his discharge from custody, upon his making affidavit that he has not in his own name any property, real or personal, and has no such property conveyed or concealed, or in any manner disposed of with design to secure the same to his use or to avoid in any manner compliance with such judgment and order. If upon such hearing it appears that the defendant has property, but not sufficient to comply with such judgment and order, the court may make such order, concerning the same, in connection with such discharge, as justice may require.

SEC. 377. At any time after such discharge upon a petition showing that the defendant is unable to comply with the judgment, or is earning or capable of earning sufficient money to comply therewith, the court shall issue an order requiring him to show cause, at a time and place to be fixed by the court, why he should not comply with the judgment; which order shall be served in the same manner as a summons in a civil action. If it shall appear upon the hearing that the defendant is able to comply with the judgment, or is earning or is capable of earning sufficient money to comply therewith, the court may order the defendant to comply with the judgment and make the payments therein provided within such time as may be directed in the matter, or, in default thereof, that the defendant be committed to the county jail as provided in the case of failure to comply with the terms of such judgment.

SEC. 378. The mother of such child, or such board of supervisors, at any time after the defendant is discharged, may recover of him by action any sum of money which ought to have been paid pursuant to such judgment and order; and, if the mother shall fail to prosecute any such action begun by her, the board of supervisors, or any person interested in the support of such child, may prosecute the same to final judgment.

SEC. 379. If any woman is delivered of a bastard child which is, or is likely to become, a public charge, or is pregnant with a child likely to be born a bastard and become a public charge, the board of supervisors of the county where she resides, or any member thereof, may apply to a justice of the peace of the county to inquire into the facts and circumstances of the case.

SEC. 380. Such justice may summon the woman to appear before him, and may examine her on oath respecting the father of such child, the time when and place where it was begotten, and any other facts he deems necessary for the discovery of the truth, and thereupon shall issue his warrant to apprehend the putative father.

Thereafter the proceedings shall be the same as if the complaint had been made by such woman and with like effect, and in all cases the board and the accused may require the attendance of such woman as a witness.

Sec. 381. The board of supervisors either before or after judgment, may make such compromise and settlement with the putative father of any bastard child, relative to its support, as they deem equitable and just, and thereupon may discharge him from all liability for the support of such child.

## ARKANSAS.

Digest of the Statutes, Kirby and Castle, 1916.

SECTION 587. The county court shall have exclusive original jurisdiction in all **Legitimacy pro-** cases and matters relating to bastardy. (Also Constitution, Art. ceedings. VII, sec. 28.)

Sec. 588. On complaint made to the county court by any woman resident of the county, who shall have been delivered of a bastard child, or who may be pregnant with a child which, if born alive may be a bastard, charging on oath any person with being the father of such child, the judge of such court may order the clerk to issue a warrant, or may issue such warrant himself, in the name of the State against the accused person, to the sheriff, coroner or any constable of the county, commanding him forthwith to arrest and bring the accused person before the court to answer such charge, and if complaint in form as aforesaid be made before the judge in vacation of the court he shall issue his warrant against the accused, directed as aforesaid, commanding the officer to have the person accused before the judge at any time that may be fixed by the judge in said warrant for the trial: *Provided*, That no such accused person shall be forced into trial until after the expiration of twenty-four hours after his arrest; and the judge or clerk issuing such warrant shall indorse on such warrant the amount of bail to be taken and approved by the officer executing said warrant, conditioned that the defendant will make his personal appearance at the time set for trial and answer such charge, and not depart without leave, and on the giving of such bond the accused shall be discharged.

Sec. 589. The affidavit, warrant and all papers in the case shall be returned to and filed in the office of the county clerk, on or before the first day of the next term.

Sec. 590. If the child is not born when the accused appears before the court or judge, the case shall be continued until the child is born, and then the case shall be proceeded with, and the defendant shall remain bound on his bail bond.

Sec. 591. When the case is ready for trial, if the accused denies being the father of such child, the court or judge shall hear the evidence and decide the case as other issues at law, but, if a jury is demanded by the accused, the court shall order a jury to be summoned, who shall be elected, impaneled and sworn to try the issue joined and a true verdict render according to evidence, as in other cases at law.

Sec. 592. If it is found by the court or the verdict of a jury that the accused is the father of the child, the court shall render judgment against him for the lying-in expenses in favor of the mother, or person who incurred the same, if required or claimed, for a sum not less than five dollars nor more than fifteen dollars; and if the same shall not be paid upon the rendition of such judgment, together with all costs which may be adjudged against him in said, [sic] case, then the court shall have the power to commit the accused person to jail until the same shall be paid, with all costs; and, if claimed by the mother, the court or judge shall give judgment for a monthly sum of not less than one dollar nor more than three dollars per month, for every month from the birth of the child until it shall attain the age of seven years, and shall further order that the father enter into bond to the State of Arkansas in the penal sum of three hundred dollars, with good and sufficient security, conditioned to be void if such person or his executors or administrators shall indemnify each county in this State from all costs and expenses for the maintenance or otherwise of such child while under the age of seven years, and for the payment of the monthly dues that may be adjudged as aforesaid, which bond shall be approved by the judge and an entry made on the record of its conditions and securities thereon.

Sec. 593. If such person shall refuse or neglect to enter into bond with security as above provided, the county judge shall commit him to the jail of the county, there to remain until he shall comply with such order or until he shall be otherwise discharged according to law.

Sec. 594. The judgment may be revived against the executor or administrator of the person against whom the same was rendered.

SEC. 595. An appeal will lie from a judgment of the county court to the circuit court in all cases of bastardy, as in cases of appeal from judgments of justices of the peace to circuit courts; but no appeal shall be granted until affidavit and appeal bond is filed. When the appeal is granted, the clerk of the county court shall make, certify and transmit a certified copy of all the papers, judgment and orders of the county court to the circuit clerk, who shall give receipt for such transcript, and also enter the same on the docket of the circuit court.

SEC. 596. The attorney prosecuting for the circuit shall conduct the suit on behalf of the State on all appeals to the circuit court in cases of bastardy.

SEC. 597. The circuit court shall hear the case de novo, and make such orders and render such judgment on appeal as the law and evidence require.

SEC. 598. The mother shall be a competent witness in all cases of bastardy, unless she be legally incompetent in any case; and if she be dead at the time of the trial, her declarations, made in her travail and proved to be her dying declarations, shall be evidence.

SEC. 599. The county judge, upon his personal knowledge or upon information that a woman has been delivered of a bastard child, shall issue his warrant, or cause it to be done, and bring such woman before the county court, and require her to disclose or discover to the court, under oath, the father of such child, or give security, in like manner and sum as hereinbefore required in case of the father, to indemnify each county of this State from all costs and expenses for maintenance, or otherwise, on account of such child while under the age of seven years; and if she will not discover the father of such child, or give security, the court shall commit her to the county jail until she discovers the father or gives security.

SEC. 600. The judge of the county court shall be allowed such fees in all cases of bastardy as were allowed to justices of the peace under the law when justices of the peace had jurisdiction of bastardy cases, and the other officers shall be allowed such fees as are by law allowed to sheriffs, coroners, constables and clerks in criminal cases.

SEC. 1493. The county court of each county shall have the following powers and Jurisdiction. jurisdictions: \* \* \* to superintend all \* \* \* bastardy cases \* \* \*.

SEC. 1907. If any woman shall endeavor privately, either by herself or the procurement of others, to conceal the death of any issue of her body, male or female, that it may not come to light, although it can not be proved that it was murdered, every such mother shall suffer the same punishment as for manslaughter.

SEC. 1908. Nothing contained in the last preceding section shall be so construed as to prevent such mother from being indicted for the murder of such bastard child.

SEC. 2852. Illegitimate children shall be capable of inheriting and transmitting an inheritance, on the part of their mother, in like manner as if they had been legitimate of their mother.

SEC. 2853. If a man have by a woman a child or children, and afterwards shall intermarry with her, and shall recognize such children to be his, Legitimation. they shall be deemed and considered as legitimate.

SEC. 2854. The issue of all marriages deemed null in law, or dissolved by divorce, Void marriage and divorce. shall be deemed and considered as legitimate.

SEC. 2887. The injured party may apply for such decree of divorce but no divorce shall affect the legitimacy of the children born previously to entering the decree in such case.

SEC. 4155. In all cases not otherwise provided for by law, the father while living, and, after his death, or when there shall be no lawful father, then Guardianship. the mother, if living, shall be the natural guardian of their children, and have the custody and care of their persons, education and estates; and, when such estate is not derived from the person acting as guardian, such parent shall give security and account as other guardians.

NOTE ON INCESTUOUS MARRIAGES.—The law applies to illegitimate as well as to legitimate children and relations. (Sec. 6083.)

NOTE ON JUVENILE COURT LAW.—The law recognizes the mother of the illegitimate child for purpose of notice. (Secs. 1568, 1583.)

NOTE ON MARRIAGES OF FORMER SLAVES.—There is a provision regarding colored persons cohabiting as husband and wife at the period following emancipation and legitimizing their offspring. (Sec. 6085.)



## CALIFORNIA.

Deering's Civil Code, 1915.

**SECTION 84. Children of annulled marriages.**—A judgment of nullity of marriage does not affect the legitimacy of children begotten before the judgment.

**SEC. 144. Legitimacy of issue.**—When a divorce is granted for the adultery of the husband, the legitimacy of children of the marriage begotten of the wife before the commencement of the action is not affected.

**SEC. 145. Same.**—When a divorce is granted for the adultery of the wife, the legitimacy of children begotten of her before the commission of the adultery is not affected; but the legitimacy of other children of the wife may be determined by the court, upon the evidence in the case.

**SEC. 193. Legitimacy of children born in wedlock.**—All children born in wedlock are presumed to be legitimate.

**Presumption of legitimacy.**

**SEC. 194. Children after dissolution of marriage.**—All children of a woman who has been married, born within ten months after the dissolution of the marriage, are presumed to be legitimate children of that marriage.

**SEC. 195. Who may dispute the legitimacy of a child.**—The presumption of legitimacy can be disputed only by the husband or wife, or the descendant of one or both of them. Illegitimacy, in such case, may be proved like any other fact.

**SEC. 196a. Support of illegitimate child.**—The father as well as the mother, of an illegitimate child must give him support and education suitable to his circumstances. A civil suit to enforce such obligations may be maintained in behalf of a minor illegitimate child, by his mother or guardian, and in such action the court shall have power to order and enforce performance thereof, the same as under sections 138, 139 and 140 of the Civil Code in a suit for divorce by a wife.

**Support.**

**SEC. 138. Custody and maintenance of minors during actions for divorce.**—In actions for divorce the court may, during the pendency of the action, or at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such order for the custody, care, education, maintenance and support of such minor children as may seem necessary or proper, and may at any time modify or vacate the same.

**SEC. 139. Support of wife and children on divorce or separation granted to wife.**—Where a divorce is granted for an offense of the husband, the court may compel him to provide for the maintenance of the children of the marriage, and to make such suitable allowance to the wife for her support, during her life, or for a shorter period, as the court may deem just, having regard to the circumstances of the parties respectively; and the court may, from time to time, modify its orders in these respects.

**SEC. 140. Security for maintenance and alimony.**—The court may require the husband to give reasonable security for providing maintenance or making any payments required under the provisions of this chapter, and may enforce the same by the appointment of a receiver, or by any other remedy applicable to the case.

**SEC. 200. Custody of an illegitimate child.**—The mother of an illegitimate unmarried minor is entitled to its custody, services, and earnings.

**Custody.**

**SEC. 215. When child becomes legitimate.**—A child born before wedlock becomes legitimate by the subsequent marriage of its parents.

**Legitimation.**

**SEC. 230. Adoption of illegitimate child.**—The father of an illegitimate child, by publicly acknowledging it as his own, receiving it as such, with the consent of his wife, if he is married, into his family, and otherwise treating it as if it were a legitimate child, thereby adopts it as such; and such child is thereupon deemed for all purposes legitimate from the time of its birth. The foregoing provisions of this chapter do not apply to such an adoption.

**SEC. 241. Guardian, appointment by will, etc.**—A guardian of the person or estate, or of both, of a child born, or likely to be born, may be appointed by will or by deed, to take effect upon the death of the parent appointing:

Two. If the child be illegitimate, by the mother.

**SEC. 265. Apprenticeship.**— \* \* \* If a child is illegitimate, the mother alone has power to bind him \* \* \*

**Apprenticeship**

**SEC. 1387. *Illegitimate children to inherit in certain events.***—Every illegitimate child is an heir of the person who, in writing, signed in the presence of a competent witness, acknowledges himself to be the father of such child; and in all cases is an heir of his mother; and inherits his or her estate, in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock; but he does not represent his father or mother by inheriting any part of the estate of his or her kindred, either lineal or collateral, unless, before his death, his parents shall have intermarried, and his father, after such marriage, acknowledges him as his child, or adopts him into his family; in which case such child and all the legitimate children are considered brothers and sisters, and on the death of either of them, intestate, and without issue, the others inherit his estate, and are heirs, as hereinbefore provided, in like manner as if all the children had been legitimate; saving to the father and mother, respectively, their rights in the estates of all the children in like manner as if all had been legitimate. The issue of all marriages null in law, or dissolved by divorce, are legitimate.

**SEC. 1388. *Successor to illegitimate child.***—The estate of an illegitimate child, who has been legitimated by the subsequent marriage of its parents, or adopted by the father as provided by section 230, and who dies intestate, is succeeded to as if he were born in lawful wedlock. If such child has not been so legitimated or adopted, his estate goes to his lawful issue, or, if he leaves no issue, to his mother, or in case of her decease, to her heirs at law.

Deering's Code of Civil Procedure, 1915.

**SEC. 1962. *Specification of conclusive presumptions.***—The following presumptions, and no others, are deemed conclusive:

**Presumption of legitimacy.** 5. The issue of a wife cohabiting with her husband, who is not impotent, is indisputably presumed to be legitimate.

**SEC. 1963. *All other presumptions may be controverted.***— \* \* \* The following are of that kind:

31. That a child born in lawful wedlock, there being no divorce from bed and board, is legitimate.

Deering's Penal Code, 1915.

**SEC. 270. *Failure to support minor child—Jurisdiction.***—A parent of either a legitimate or illegitimate minor child who willfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for his child, is punishable by imprisonment in the State prison, or in the county jail, not exceeding two years, or by fine not exceeding one thousand dollars, or by both. The superior court, sitting as a juvenile court, may exercise original jurisdiction over all such offenses. (As amended by Laws 1917, ch. 168.)

**SEC. 270b. *Surety for support.***—After arrest and before plea or trial, or after conviction or plea of guilty and before sentence under either section 270 or 270a of this code, if the defendant shall appear before the court and enter into an undertaking with sufficient sureties to the people of the State of California in such penal sum as the court may fix, to be approved by the court, and conditioned that the defendant will pay to the person having custody of such child or to such wife, such sum per month as may be fixed by the court in order to thereby provide said minor child or said wife, as the case may be, with necessary food, clothing, shelter, or medical attendance, then the court may suspend proceedings or sentence therein; and said undertaking is valid and binding for six months; and upon the failure of defendant to comply with said undertaking, he may be ordered to appear before the court and show cause why further proceedings should not be had in said action or why sentence should not be imposed, whereupon the court may proceed with said action, or pass sentence, or for good cause shown may modify the order and take a new undertaking and further suspend proceedings or sentence for a like period.

**SEC. 270d. *Fine may be paid to wife of defendant.***—In any case where there is a conviction and sentence under the provisions of either section 270 or section 270a, of this code, should a fine be imposed, such fine may be directed by the court to be paid in whole or in part to the wife of the defendant or guardian or custodian of the child or children of such defendant.

**SEC. 271. *Desertion of minor.***—Every parent of any child under the age of fourteen years, and every person to whom any such child has been confided for nurture, or education, who deserts such child in any place whatever with intent wholly to abandon it, is punishable by imprisonment in the State prison or in the county jail not exceeding one year or by fine not exceeding five hundred dollars, or by both.

**SEC. 273h. Person convicted may be compelled to work on roads—Payment made to wife, etc.**—In all prosecutions under the provisions of either section 270 or section 270a, or section 270b or section 271, or section 271a of this code where a conviction is had and sentence of imprisonment in the county jail is imposed, the court may direct that the person so convicted shall be compelled to work upon the public roads or highways, or any other public work, in the county where such conviction is had, during the term of such sentence. And it shall be the duty of the board of supervisors of the county where such conviction and sentence are had, and where such work is performed by a person under sentence to the county jail, to allow and order the payment out of any fund available to the wife, or to the guardian, or to the custodian of a child or children, or to an organization, or to an individual appointed by the court as trustee, at the end of each calendar month, for the support of such wife, child or children, a sum not to exceed one and fifty one-hundredths dollars for each day's work of such person.

Deering's Political Code, 1915.

**SEC. 2290. Orphan asylums.**—The provisions herein made for the support of orphans \* \* \* shall be held to include \* \* \* dependent illegitimate infant \* \* \*

**NOTE ON ADOPTION.**—The law recognizes the illegitimate mother in the consent requirement. (Deering's Civil Code, sec. 224, as amended by Laws 1917, ch. 558.)

**NOTE ON INCESTUOUS MARRIAGES.**—The law applies to illegitimate relationship. (Deering's Civil Code, sec. 59.)

## COLORADO.

Revised Statutes of 1906.

**SECTION 353. Complaint—Warrant—Examination—Bond.**—When any single woman who shall be delivered of a child, which by law would be deemed illegitimacy proceedings. and held a bastard, or being pregnant with child, which, if born alive would be a bastard, shall desire to make a complaint against the father of such child, she may make such complaint before any justice of the peace of the county where she may be so delivered; or in case the child is unborn, then to any justice of the peace in the county where she may reside; and thereupon such justice shall issue a warrant for the person accused, to be served by the sheriff or any constable, and shall cause him to be brought before such justice forthwith, and upon his appearance the justice, or the complainant's counsel, if she shall be attended by counsel, shall proceed to question the female and such witnesses as she may produce in her behalf, in presence of the party accused, touching the charge against him, and the justice or the counsel for the accused shall examine such witnesses as may be produced in his behalf; the examination of the complainant and the accused shall be taken down in writing, and if the justice shall think the complaint well founded he shall bind the accused in a bond, with sufficient surety, in a penalty of not less than five hundred (\$500) dollars, to be and appear at the next term of the district court of the county to answer the complaint, and in default of such surety may commit the accused: *Provided*, That the repeal of said acts and parts of acts or of any of them, shall not be construed to affect any right, either as to remedy or otherwise, nor to abate any suit or action or proceeding existing, instituted or pending under the laws so hereby repealed.

**SEC. 354. Justice to return proceedings to district court—Trial.**—It shall be the duty of the justice to return all the proceedings to the next district court, which court, if the woman shall desire it, may cause an issue to be made up whether the reputed father is the real father or not, which issue shall be tried by a jury as other issues in said court, and on the trial thereof both parties shall be competent witnesses.

**SEC. 355. Damages assessed—Annual allowance.**—If the jury shall find for the complainant, they may assess such damages as they may think proper for the support of such child in favor of the complainant, and may direct the same to be paid annually or otherwise for any term of years not exceeding eighteen, and the court shall render judgment accordingly, and execution shall issue. If the jury make an annual allowance, then execution may be issued annually for the sum so annually allowed by the jury, computing from the term at which judgment was rendered.

**SEC. 356. Support of child—Guardian.**—A fair proportion of the sum so recovered shall be appropriated to the support, maintenance and education of the bastard child, and for that purpose may be demanded and received by any guardian that may be appointed for such child, the amount being regulated by order of the chancery court.

**SEC. 357. Issue against complainant—Costs.**—If the issue should be found against the complainant and in favor of the accused, he shall be discharged and the woman shall pay the costs.

SEC. 358. *Limitation of proceedings.*—No proceeding under this act shall be instituted after the child is twelve months old.

SEC. 1641. *Concealing death of bastard—Penalty.*—If any woman shall endeavor, privately, either by herself or the procurement of others, to conceal the death of any issue of her body, male or female, which, if born alive, would be a bastard, so that it may not come to light, whether it shall have been murdered or not, every such mother being convicted thereof shall suffer imprisonment in the county jail for a term not exceeding one year: *Provided, however,* That nothing herein contained shall be so construed as to prevent such mother from being indicted and punished for the murder of such bastard child.

SEC. 7046. *Illegitimate children.*—Illegitimate children shall inherit the same as those born in wedlock, if the parents subsequently intermarry, and such children be recognized after such intermarriage by the father to be his, and illegitimate children shall inherit from their mother the same as those born in wedlock.

SEC. 7049. *Descent of property of bastard or illegitimate person.*—The rule of descent of all property of whatsoever kind or nature, real and personal, of any bastard or illegitimate person, dying intestate in this State, and leaving property and effects therein, shall be as follows, to wit: On the death of any such person intestate, his or her property, estate and effects shall descend to and vest in the widow or surviving husband and children, as the property and effects of other persons in like cases. In case of the death of any such illegitimate person leaving no children or descendants of a child or children, then the whole property and estate, rights, credits and effects shall descend to and vest in the widow or surviving husband. In case of the death of any such illegitimate person, leaving no widow, surviving husband or descendants, then the property and estate of such person shall descend to and vest in the mother and her children, and their descendants; to the mother one-half, and the other half to be equally divided between her children and their descendants, the descendants of a child taking the share of their deceased parent or ancestors. In case of the death of any such illegitimate person, leaving no heirs as above provided, then the property and effects of whatsoever kind or nature shall pass to and vest in the next of kin to the mother of such illegitimate person, in the same manner as the estate of a legitimate person would by law pass to the next of kin.

Laws of 1911, ch. 179, p. 527.

SEC. 1. Any man who shall willfully neglect, fail or refuse to provide reasonable support and maintenance for his wife, or for his legitimate or illegitimate child or children, under sixteen years of age, or who willfully fails, refuses or neglects to provide proper care, food and clothing in case of sickness for his wife or such legitimate or illegitimate child or children, or the mother of his illegitimate child during childbirth and attendant illness, or any such child or children being legally the inmates of a State or county home, or school for children in this State, or who shall willfully fail or refuse to pay to a trustee, who may be appointed by the court to receive such payment, or to the board of control of such home or school the reasonable cost of keeping such child or children in said home, or any man being the father of a child or children, under sixteen years of age, who shall leave such child or children or his wife with intent to abandon such wife or child or children, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the penitentiary for not to exceed one year, unless it shall appear that owing to physical incapacity or other good cause he is unable to furnish the support, care and maintenance herein required: *Provided,* That in case of any conviction under this act, the court before which such conviction is had, may in lieu of the penalty herein provided accept from the person convicted a bond running to the people of the State of Colorado with sufficient surety to be approved by the court, in such penal sum, not exceeding one thousand dollars, as the court shall fix, conditioned that he will comply with the provisions of this act, or perform the conditions required by the court for his compliance with this act in case he is placed on probation as hereinafter provided.

SEC. 2. In the interest of justice, and for the protection of such wife, child or children, the court may suspend any sentence imposed or which may be imposed against any person under this act upon conditions to be named by the court, which conditions shall require such person to perform his duty toward his wife and child or children or the mother of his child and in all respects to comply with the provisions of this act. And so long as such conditions are complied with such sentence may be suspended, but upon the failure of such person to comply with such conditions, or the undertaking or conditions in any bond or terms of probation, he may be arrested by

the sheriff or other officer on warrant issued by the court or be ordered to appear before the court to show cause why final judgment should not be entered or final sentence passed or enforced. Whereupon the court may enter a final judgment, or impose or enforce final sentence, if such judgment or sentence has not been imposed, and the beginning of any imprisonment in any such case shall commence from the time such sentence is finally passed or directed to be enforced or the court may from time to time for good cause shown modify any order or condition or probation made in such case and take a new bond or undertaking or a new promise from any such defendant and may further suspend any sentence as may be just and proper and in conformity with the spirit, purpose or intention of this act.

SEC. 3. If it shall appear to the court upon the filing of any complaint, information or indictment against any person for violation of this act that such person is beyond the jurisdiction of the county or State, it shall be the duty of the county commissioners of such county in which such action is commenced, upon the order of the court, to furnish such sum of money as may be necessary for the expenses of the sheriff or other proper officer to arrest and return such person to the jurisdiction of the State and county in which such action is commenced. It shall be the duty of the district attorney or other proper officer in any such case, where the defendant is beyond the State of Colorado, to take all necessary and proper steps and proceedings to obtain a requisition from the governor of the State of Colorado, to the governor of the State in which such defendant may be found in order to secure his return from such State to the jurisdiction in which such case is being prosecuted.

SEC. 4. All courts of record in this State shall have jurisdiction under this act and a complaint or information for the violation of this act may be filed in any such court of record by any humane society or probation officer, or before any justice of the peace of the county in which such offense defined in the preceding section is committed.

When such complaint is filed by any other officer or person than the district attorney, it shall be made under oath as required by law in the case of filing complaints before a justice of the peace, and where such complaint is filed before such justice it shall be the duty of such justice to issue a warrant for the arrest of any person charged with such offense, whereupon such person shall be brought before said justice of the peace, who shall proceed to have a preliminary investigation of said charge, and if in the opinion of such justice there shall be sufficient evidence to sustain such charge, the defendant shall be bound over to the county or the district court of the county as in other cases.

Any justice of the peace shall have authority to continue any such case from time to time before final order is made binding over such party to the county or district court if such defendant shall give a bond to the people of the State of Colorado, as provided in section 1 of this act to keep such promises or conditions as may be imposed by such justice for complying with the provisions of section 1 of this act; and the said justice shall have authority to order the defendant to appear before the court from time to time to ascertain if any conditions for compliance with this act imposed by said justice are being complied with, and may at any such time enter a final order in such cause binding over such defendant to the county or district court as in other cases of felony. When any such case is continued from time to time by any justice of the peace or any judge of a court of record, or where any period of probation is permitted under the provisions of this act, the time thereof shall not exceed two years from the date of filing such case, and at any time within such period of two years where any judge before whom such case is pending is satisfied that the defendant in good faith intends to comply with the provisions of this act, such cause may be dismissed and the defendant discharged with or without a final conviction of the offense mentioned in section 1 of this act.

Any person prosecuted or proceeded against under this act shall have the right to demand a speedy hearing and trial as in other cases of felony and a prosecution under this act shall be a bar to all prosecutions for the same offense under any other act: As part of the conditions of a suspended sentence under this act the court may direct that any person found guilty under this act may be committed to any common jail or workhouse for a period not to exceed ninety days.

SEC. 7. If the offense charged is desertion or abandonment or neglect or refusal to provide such child or children or wife with the necessary and proper home, care, food, and clothing, as provided in section 1 of this act, the offense shall be held to have been committed in any county of this State in which such child or children or wife may be at the time such complaint is made.

SEC. 8. If the offense charged is the neglect or refusal to pay to the trustees of such children's home or school, or the trustee who may be appointed by the court to receive such payment, the reasonable cost of keeping such child or children, the offense

shall be held to have been committed in the county where such children's home or school may be situated.

SEC. 9. Citizenship or residence once acquired in this State by any father of any legitimate or illegitimate child living in this State, shall be deemed for all the purposes of this act to continue until such child has arrived at the age of sixteen years, provided said child so long continues to live in this State; and in case of prosecution under this act for the violation of any of the provisions of this act, such citizenship or residence shall likewise be deemed to continue so long as such wife or mother resides in this State and is entitled to the support or maintenance mentioned in section 1 heretofore.

SEC. 10. That upon a failure of any person to comply with any undertaking or bond as prescribed in section 1 of this act, he may be arrested by the sheriff or other officer on a warrant issued by the court, and brought before the court for final trial, judgment or sentence, and in such case the court may declare the undertaking or bond forfeited and terminated, and may enter final judgment or impose or enforce a final sentence against such person, as though it had never been suspended, and in any such case a final judgment may be rendered and entered by such court in behalf of the people of the State of Colorado against the surety or sureties on the bond of any such person without the necessity of bringing a separate suit to recover the penalty of any such undertaking or bond so forfeited, and execution may issue on such judgment against such sureties for the collection of the amount of such bond or undertaking as in civil cases: *Provided, however,* That no execution shall issue in any such case against the sureties, until a writ of scire facias shall issue and be served on such sureties, as summons are served in civil cases requiring them to show cause before the court, upon a day to be named therein not less than ten days after the service of said writ, why execution should not be issued against them. Any moneys collected or paid upon any such execution or in any case upon said bond shall be turned over to the clerk of the court in which such bond is given, to be applied to the care and maintenance of the child or children, the wife or mother for the care of whom such conviction was had, in such manner and upon such terms as the county court may direct: *Provided,* That if it shall not be necessary in the opinion of the court to use such fund or any part thereof for such purposes mentioned in this section, the same shall be paid into the county treasury and become a part of the funds of such county.

Laws of 1917, ch. 65.

SEC. 1. Eighth. \* \* \* A divorce shall not in any wise affect the legitimacy of any child of a marriage, nor its right to inherit the property of its father or mother.

*Divorce laws.*

NOTE ON APPRENTICESHIP.—An illegitimate child may be bound by the mother. (R. S. 1908, sec. 134.)

NOTE ON BIRTH REGISTRATION.—Certificate states whether legitimate or illegitimate. (R. S. 1908, sec. 384.)

NOTE ON INCESTUOUS MARRIAGES.—The law applies to illegitimate children and relations. (R. S. 1908, sec. 1769.)

## CONNECTICUT.

General Statutes, Revision of 1918.

SECTION 5061. \* \* \* Children born before marriage whose parents afterwards intermarry shall be deemed legitimate and inherit equally with other children.

*Legitimation.*

SEC. 6006. *Bastardy complaint by mother.*—Any woman pregnant with, or who has been delivered of, a bastard child, may complain on oath to a justice of the peace or commissioner of the superior court in the town where she dwells, against the person she charges with being the father of such child, and such justice or commissioner of the superior court shall thereupon: *Provided,* The complainant shall have filed with the complaint the certificate of a reputable physician certifying that after personal examination of the person of the complainant such physician believes that the complainant is pregnant or has been delivered of a child, issue a warrant and cause such person to be brought before some proper authority. If the court finds probable cause or in the event of the court failing to find probable cause and the plaintiff appealing as hereinafter provided, it shall order such accused person to become bound to the complainant with surety to appear before the next district court of Waterbury, if the complainant dwells in any town of New Haven County within that judicial district, or, if the complainant dwells without said district, before the next court of

*Illegitimacy proceedings.*

common pleas, or if there be no such court before the superior court, in the county in which the complainant dwells, and abide the order of said court, and on his failure so to do shall commit him to jail. If the court fails to find probable cause such finding shall be a bar to any further proceeding for the same cause of action: *Provided*, The plaintiff upon complying with the provisions of section 5561, shall be allowed an appeal to the court to which the defendant might have been bound over if probable cause had been found.

SEC. 6007. *Continuance of case—Evidence.*—Said court may order the continuance of such case, and the renewal of such bond, if necessary; and if such woman shall continue constant in her accusation it shall be evidence that such accused person is the father of such child.

SEC. 6008. *Judgment and order of court in bastardy case.*—If the defendant be found guilty, the court shall order him to stand charged with the maintenance of such child, with the assistance of the mother, and to pay a certain sum weekly, for such time as the court shall judge proper, and that the clerk of the court shall issue execution for the same quarterly; and the court shall ascertain the expense of lying-in, and of nursing the child, till the time of rendering judgment, and order him to pay half thereof to the complainant, and shall grant execution for the same and costs of suit; and may require him to become bound with sufficient surety to perform such order, and to indemnify the town chargeable with the support of such child from any expense for its maintenance, and if he fail to do it may commit him to jail, there to remain till he complies with the order; but if it shall appear that the mother does not apply the weekly allowance paid by him towards the support of such child, and that such child is chargeable, or likely to become chargeable, to the town where it belongs, the court on application may discontinue such allowance to the mother, and may direct it to be paid to the selectmen of such town, for such support, and may issue execution in their favor for the same.

SEC. 6009. *Settlement of bastardy case; what consent essential.*—No complaint shall be withdrawn, dismissed or settled by agreement of the mother and the putative father of any bastard child, without the consent of the selectmen of the town in which said mother has her settlement or residence, or the consent of her parent or guardian, unless provision is made to the satisfaction of the court to relieve such parent, guardian or town from all expense that has accrued, or may accrue, for the maintenance of such child and for the cost of complaint and prosecution thereof. No settlement made by the mother and father, or the guardian of the mother or father, before or after such complaint is made, without the approval of the selectmen of the town chargeable with the support of such bastard child, shall relieve the father from liability to such town for such child's support.

SEC. 6010. *Town may maintain bastardy suit; when.*—The town interested in the support of a bastard child, when sufficient security shall not be offered to indemnify it against all expense for its support, may, if the mother neglects to bring such a suit, institute a suit against the person accused of begetting such child, and may take up and pursue any suit commenced by the mother for the maintenance of such child, in case she fails to prosecute to final judgment; and any bond given by the defendant in such case to the complainant shall have the same effect as if given to such town; and if the defendant is found guilty the court shall make an order that he shall give a bond with sufficient surety to such town, to indemnify it against all expense for the maintenance of such child, and pay the costs of prosecution; and on failure thereof may commit him to jail there to remain until he shall comply with such order.

SEC. 6011. *Bastardy suit may be compromised by selectmen.*—When any town shall have brought a suit under section 6010, the selectmen of such town may compromise such suit on receipt of a fixed sum, or of security for the payment thereof for the benefit of the town, instead of prosecuting the same to final judgment.

SEC. 6012. *Continued liability of one committed for bastardy.*—No person committed to jail for failure to comply with an order of the court as provided in sections 6006, 6007, 6008, and 6010, or any of them, shall be entitled to any of the privileges allowed other prisoners on civil process, or to take the oath provided for poor debtors, within six months from the date of such commitment, but shall be kept at hard labor during said six months; and the mother of such bastard child, or the town chargeable with its support, may, at any time after the liberation of such prisoner, or after his taking said oath, recover the sum or sums due from him in pursuance of such order of court.

SEC. 6013. *Support of defendant while imprisoned.*—Nothing contained or referred to in section 6012 shall be construed to require the complainant to pay or give security for the support of the defendant during his confinement in jail, nor shall such defendant be discharged from imprisonment by reason of payment or security not being made or given for his support, but the jailer shall furnish such support and may recover the cost of the same from such defendant, or, in case of his inability to pay such cost,

of the town where he belongs; and in case he belongs to no town in this State, then such cost shall be paid by the State.

SEC. 6014. *Bastardy: evidence of good character admissible.*—Evidence of the good character of the accused for morality and decency, prior to the alleged commission of the offense, shall be admissible in his favor in bastardy proceedings, and may be rebutted by evidence showing a contrary character at such time.

SEC. 6015. *Either party may demand jury trial.*—In all prosecutions under the provisions of this chapter, the trial of the question of fact as to the guilt or innocence of the defendant shall, at the desire of either party, be by jury.

SEC. 6160. *Bastardy complaint to be brought within three years.*—No complaint of bastardy shall be brought after three years from the birth of the bastard.

SEC. 6389. *Secret delivery of a bastard.*—Every woman who shall conceal her pregnancy, and shall willingly be delivered in secret by herself of any bastard child, shall be fined not more than one hundred and fifty dollars or imprisonment not more than three months.

SEC. 6390. *Concealment of birth of bastard.*—Every woman who shall endeavor to conceal the birth of any such child, so that it may not come to light, shall be fined not more than three hundred dollars and imprisoned in a jail not more than one year; and shall become bound to the State in recognizance with surety for her good behavior.

SEC. 1795. *Parents must contribute to support of children committed to county homes.*—Whenever either parent of any child, whether such child is born in lawful wedlock or not, who has been committed by a court to any county temporary home, shall be of sufficient pecuniary ability to contribute to the support of such child, such parent shall contribute such weekly sum for the support of such child as may be agreed upon between such parent and the board of management of the temporary home where such child is being cared for. Whenever said board shall be unable to make a satisfactory agreement with any parent as above provided, or whenever any parent shall refuse to make any such payment, and said board is of the opinion that such parent, in either case, is in receipt of such income as to enable him or her to make such payment, said board shall make complaint to the prosecuting officer of the town where such parent resides. Such prosecuting officer shall thereupon proceed against such parent as provided in section 6416, and such parent shall be subject to the penalties and provisions of said section as amended.<sup>1</sup>

SEC. 5293. *Orders relative to children and alimony—Void marriages.*—Whenever from any cause any marriage is void, the superior court may, upon complaint, pass a decree declaring such marriage void, and may thereupon make such order in relation to any children of such marriage, if such there be, and concerning alimony, as it might make in a proceeding for a divorce between such parties if married; and the provisions of this chapter shall apply to such complaint in the same manner as to complaints for divorce.

SEC. 5289. *Order as to custody of children.*—On any complaint for a divorce, the court may at any time make any proper order as to the custody, care and education of the children, and may at any time thereafter annul or vary such order.

SEC. 5290. *When sole custody of children given to mother.*—In all cases in which a divorce is granted on the complaint of a woman, without any order being made at the time of granting such divorce, relative to the custody of the children, and in all cases in which any husband and wife having minor children, shall, by reason of the abandonment or cruelty of the husband, live separately, the superior court in the county where the parties, or one of them, reside, may, on the complaint of the mother, and due notice given to the husband, award the custody of the children to the mother, for such time and under such regulations, as it may deem proper.

SEC. 5291. *Court may assign custody of children to either party.*—In all controversies before the superior court between husband and wife as to the custody of minor children of the marriage, the court may assign the custody of such children to either parent according to its best judgment upon the facts of the case, and upon such conditions and limitations as it shall deem proper; and when such court is not actually in session, any judge thereof may, prior to any action in the premises by the superior court, make any order which he may deem reasonable as to the care, custody and maintenance of any such minor children during the pendency of the cause, and make any proper order in the cause, including orders of injunction, and any such orders may afterwards be set aside or altered by such court, or by such judge when such court is not actually in session.

<sup>1</sup> The section referred to contains provisions concerning neglect to support wife or children.



**SEC. 5292. *Children; how supported.***—Upon the dissolution of any marriage by divorce, the parents of a minor child of such marriage, who is in need of maintenance, shall maintain it according to their respective abilities, and upon the complaint of either parent, then or thereafter made to the superior court, it shall inquire into their pecuniary ability, and may make and enforce such decree against either or both of them, for the maintenance of such child as it shall consider just, and may direct any proper security to be given therefor.

### DELAWARE.

Revised Code, 1915.

**SECTION 3029. *Children; legitimacy of; when action brought by wife.***—In an action brought by the wife, the legitimacy of any child born or begotten before the commencement of the action shall not be affected.

#### Divorces.

**SEC. 3030. *Children; legitimacy of; when action brought by husband.***—In an action brought by the husband, the legitimacy of any child born or begotten before the commission of the offense charged shall not be affected; but the legitimacy of any other child of the wife may be determined as one of the issues of the action. All children begotten before the commencement of the action shall be presumed to be legitimate.

**SEC. 3072. *Liability of father for support—Limit of age—Trustees of the poor—Remedies of, against the father.***—The father of a bastard child shall be bound to pay the trustees of the poor of either county all charges they shall incur for maintenance, or otherwise, of such child whilst under ten years old. They may recover the same as any other debt; or by means of any bond of indemnity, given to secure them, under the provisions of section 17 (sec. 3077) of this chapter.

#### Support.

**SEC. 3073. *Proceedings in bastardy—Oath of mother—Warrant—Form of proceedings—County of trial.***—When a woman being pregnant with, or who has been delivered of a bastard child, shall discover the father, upon oath before a justice of the peace, the justice shall issue a warrant to any constable for the arrest of the person so charged; and such warrant may be served in any county.

The proceeding shall be in the name of the State, and the warrant of arrest in form as in other criminal cases; but cases of bastardy may be tried in either county.

**SEC. 3074. *Recognizance for father's appearance after the birth.***—If, when the process is returned, the child is not born, the justice shall require the person charged as the father, to enter into recognizance to the State, with sufficient surety, in the sum of five hundred dollars, with condition to be void if the said person shall appear before the said justice at the expiration of one month from the birth of said child, and on every other day to which the case shall be adjourned; and the justice shall commit him to jail on failure to give such security.

**SEC. 3075. *Hearing; time of.***—The justice shall hear the case on the return of the warrant with the party charged, if the child be born; or if not, at the expiration of one month from its birth; or at such other time, in either case, as he may adjourn the hearing to.

**SEC. 3076. *Putative father may testify.***—In all bastardy cases, the accused or putative father shall be allowed to testify in his own behalf as to all matters material and relevant to his case.

**SEC. 3077. *Order on putative father—Payments—Recognizance.***—If it be determined that the person charged is the father of the child, the justice shall order him to pay the mother of the child ten dollars for lying-in expenses, and also ten dollars to the physician who attended the mother during her delivery, and also to pay the mother, or other person keeping it, for the maintenance of the child, not less than five nor more than twenty-five dollars every month from its birth until it is fifteen years old. The justice shall also require the father of the child to enter into recognizance to the State, with sufficient surety, in the sum of one thousand dollars, with condition to be void, if the said father shall obey and fulfill the said order of the justice, and shall further indemnify the trustees of the poor of every county from all charges for maintenance or otherwise, on occasion of the said child while under the age of fifteen years. (As amended by Laws 1917, ch. 228.)

**SEC. 3078. *Commitment upon failure to give bond—Discharge.***—If the person so ordered to give bond to the State refuse or neglect to comply with such order, the justice shall commit him to jail, there to remain until he shall comply, or until he shall be thence delivered by the court of general sessions. Any justice of the peace may take and approve the bond and surety, and discharge him from prison.

SEC. 3079. *Bond; approval of; disposition of—Neglect of justice a misdemeanor—Penalty.*—Any justice, taking such bond of indemnity, shall indorse his approval, and shall transmit said bond to the trustees of the poor of his county, within sixty days. If he neglect this duty, he shall be deemed guilty of a misdemeanor and shall be fined not exceeding fifty dollars.

SEC. 3080. *Appeal from order of filiation—Bond—Appeal a supersedeas; when.*—Any person, against whom an order of filiation shall be made as aforesaid, may appeal to the court of general sessions, if within fifteen days from the making of such order he enter into recognizance before the justice, with sufficient surety, in the sum of five hundred dollars, with condition to be void if the appellant shall appear in the said court and prosecute said appeal with effect, and not depart the said court without leave. The appeal shall be a supersedeas from the time of surety entered, and not before.

SEC. 3081. *On appeal, mother and witnesses bound for appearance—Transmission of record—Entry of appeal—Causes of appeal—Order upon appeal.*—In case of appeal, the justice shall bind the mother and other witnesses for the State for their appearance at court; and he shall forthwith transmit a certified copy of his record to the clerk of the peace for his county, who shall enter the appeal. The appellant shall, without delay, file causes of appeal; and the attorney general shall appear for the State. The court may affirm, or reverse, or amend the orders, as justice may require. (See also sec. 546.)

SEC. 3082. *Paternity denied—Trial by jury.*—If the appellant, in the causes of appeal, deny that he is the father of the child, the court shall, without further pleading, order this matter to be tried by a jury at the bar.

SEC. 3083. *Bond; taken and approved by court of general sessions—Commitment for noncompliance—Amended orders.*—The court shall take and approve the bond and surety according to any order affirmed, or amended, and may commit the party for noncompliance, or discharge him on his own recognizance, or make any other order in the case. An amended order shall be of the same nature and effect as the original order.

SEC. 3084. *Order, if affirmed, certified to the justice—Indemnity bond sent to trustees of the poor.*—In case of an order affirmed, or amended, the clerk of the peace shall certify such facts to the justice, who shall note it on his record; and the said clerk shall transmit any bond of indemnity, taken by the court under this section, to the trustees of the poor.

SEC. 3085. *Mother, testimony of, competent—If dead, her dying declaration, taken in travail, competent—If father can not be found, the mother's deposition competent.*—In bastardy cases the mother shall be a competent witness, unless otherwise legally incompetent; and if she be dead at the time of hearing, or trial, her declaration made in the time of travail, and persevered in as her dying declaration, shall be evidence.

And, where in any proceedings against the father, it appears, by the return of the constable, that he can not be found, the justice may take the mother's deposition in his absence, and it shall be received in evidence in all cases, if her attendance can not be procured.

SEC. 3086. *Costs; how paid.*—The costs of proceedings in bastardy cases shall be paid by the father, if the paternity is established; otherwise by the county.

SEC. 3087. *Descent from illegitimate person.*—When an illegitimate-born person dies intestate and without lawful issue, his property, real and personal, if any such there be, shall pass, and belong to the mother, if living, and in case of her death, to her heirs, subject always to the payment of debts and demands against such illegitimate person or persons, and to expenses of administration. (This section is also referred to in sec. 3269.)

SEC. 3087A. *Descent from the mother of illegitimate persons.*—When the mother of an illegitimate-born child dies intestate, her property, real and personal, if any there be, shall pass and belong in equal shares to such illegitimate-born child or children, and to the lawful issue of such who may have died, by right of representation.

If there be no such issue, then said property shall go to the heirs at law of such deceased mother, subject always to the payment of her just debts and all lawful demands against her estate. (As added by Laws 1917, ch. 229.)

SEC. 3088. *Destitute children, legitimate or illegitimate; support of.—Penalties for the desertion or nonsupport of legitimate and illegitimate children*  
Abandonment and nonsupport. may be imposed and proceedings to enforce their support may be taken, under the provisions of sections 2 to 14 of chapter 87.

SEC. 4001. *Jurisdiction—Proceedings.*—Justices of the peace shall severally have illegitimacy proceed-jurisdiction in cases of bastardy, and the proceedings shall be as in and jurisdiction provided in Article IV of chapter eighty-eight.

**SEC. 4002. Duties of justice in bastardy cases—Interrogation of woman—Bond of indemnity—Commitment; when—Discharge of woman from prison—Who may discharge.**—Any justice, upon his own knowledge, or upon information, that a woman has been delivered of a bastard child, shall cause her to be brought before him, and require her to discover the father upon oath, or to give bond and surety, as is provided by section 17 of chapter eighty-eight, to indemnify the trustees of the poor; and, if she will not discover the father, or give security, he shall commit her to jail until she shall comply, or until she shall be discharged by the court. Any justice may take oath, or security, and discharge her from prison.

**SEC. 4003. Costs; how paid.**—The costs of proceedings in bastardy cases shall be paid by the father, if the paternity is established, otherwise by the county. (Same as sec. 4466.)

**SEC. 4237. Bastardy and filiation; proof in.**—In proceedings of bastardy and filiation the accused or putative father and the mother may testify, and the dying declaration or deposition of the mother taken in the absence of the putative father shall be evidence, as provided by sections 16 and 25 of chapter eighty-eight.

**NOTE ON ABANDONMENT LAW.**—The desertion and support law applies to legitimate or illegitimate child or children. (Sec. 3034.)

**NOTE ON APPRENTICESHIP LAW.**—An illegitimate child shall be regarded as having no father; but the justices, upon application of his putative father, may, in their discretion, issue process to bring before them such child and the mother, or person having charge of it, and may bind such child, if they think proper to do so. Such binding shall not in any manner affect the security given by the putative father, or the mother, to indemnify the county. (Sec. 3102, third paragraph.)

**NOTE ON BIRTH REGISTRATION.**—The certificate of birth states whether the child is legitimate or illegitimate. (Sec. 808.)

## DISTRICT OF COLUMBIA.

Code of Law, 1911.

**SECTION 387. The illegitimate child or children of any female and the issue of any such illegitimate child or children shall be capable to take from their mother, or from each other, or from the descendants of each other, in like manner as if born in lawful wedlock.** When an illegitimate child or children shall die leaving no descendants, or brothers or sisters, or the descendants of such brothers or sisters, then and in that case the mother of such illegitimate child or children, if living, shall be entitled as next of kin, and if the mother be dead the next of kin of the mother shall take in like manner as if such illegitimate child or children had been born in lawful wedlock.

**SEC. 957. Antenuptial children.**—If any man shall have a child or children by any woman whom he shall afterwards marry, such child or children, if acknowledged by the man, shall, in virtue of such marriage and acknowledgment, be legitimated and capable in law of inheriting and transmitting heritable property as if born in wedlock.

**SEC. 958. Illegitimate children.**—The illegitimate child or children of any female and the issue of such illegitimate child or children shall be capable in law of taking real estate by inheritance from their mother, or from each other, or from the descendants of each other, as the case may be: *Provided*, That such illegitimate child or children, or the issue of such illegitimate child or children, shall not take by descent any interest in the real estate of the mother when such mother is mentally incapacitated from making a will, and shall remain so mentally incapacitated until her death; and where such illegitimate child or children shall die leaving no descendants or brothers or sisters, or the descendants of such brothers or sisters, then and in that case the mother of such illegitimate child or children, if living, shall be entitled as heir to the real estate of such illegitimate child or children, and if the mother be dead, the heirs of the mother shall take in like manner as if such illegitimate child or children had been born in lawful wedlock. (32 Stat., Part I, p. 537.)

**SEC. 972. Issue of a marriage annulled.**—In case any marriage shall be declared by decree to have been void on account of either party having a former wife or husband living, if it shall appear that said marriage was contracted in good faith by the other party and in ignorance of said obstacle to the marriage, that fact shall be found and declared by the decree, and in such case the issue of said marriage shall be deemed to be the legitimate issue of the parent who was capable of contracting.

SEC. 973. *Issue of a lunatic's marriage.*—Where a marriage is declared null and void on account of the idiocy or lunacy of either party at the time of the marriage the issue of the marriage shall be deemed legitimate.

SEC. 974. *Legitimacy of issue of a marriage dissolved.*—A divorce for any of the causes herein provided for shall not affect the legitimacy of the issue of the marriage dissolved by such divorce, but the legitimacy of such issue, if questioned, shall be tried and determined according to the course of the common law.

NOTE ON BIRTH REGISTRATION.—Certificate to embody such data as may be necessary for the purpose of the Bureau of Census. "If the child born be illegitimate, it shall in no case be necessary for any physician, midwife or other person to indicate on any report required by this act any fact or facts whereby the identity of the father or mother or of the child born will be disclosed." (34 U. S. Stat. L., p. 1010, Act March 1, 1907.)

An act to provide for the support and maintenance of bastards in the District of Columbia. (37 U. S. Stat. L., p. 134, Act June 18, 1912.)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every child shall be deemed a bastard who shall be begotten and born out of lawful wedlock, but this shall not be deemed to repeal or modify section 957 of the Code of Law of the District of Columbia.

SEC. 2. That any unmarried woman who is quick with child may go before the clerk of the juvenile court of the District of Columbia, or if therein she has been delivered of a bastard child, or (if that be her place of legal residence) if she was delivered thereof outside of the said District, at any time after becoming quick with child or within two years after the birth of the bastard, and accuse any person of being the father of the child. Before issuing a warrant, the clerk shall examine the mother of such bastard child, under oath, concerning her residence and her marriage or single condition when the child was begotten; where and when she was delivered of such child; and if she was delivered of the child outside of the District, the reason thereof, and reduce her statement to writing, and sign same as clerk. If, however, the clerk shall fail to reduce the statement to writing, or if it should be lost, such failure or loss shall be no cause for dismissing the warrant. Or such warrant may be applied for by the Board of Charities of the District or any person as next friend of the said bastard under two years of age.

SEC. 3. That on such examination, if the woman be quick with child, or the child having been born and still under two years of age, a warrant shall be issued by the clerk, directed to the United States marshal, or to the major and superintendent or any member of the Metropolitan police force of the District of Columbia, requiring the person accused to be arrested and brought for preliminary examination before the judge of the juvenile court, District of Columbia, who, upon such preliminary examination, may require the accused to enter into bond, with good surety to the United States of America, in a sum to be fixed by such judge, not to exceed two thousand five hundred dollars, for his appearance and trial in the juvenile court, District of Columbia, on the first day of the next or any succeeding term thereof, and to perform the judgment of said court, but in the event that the woman be quick with child at the time of the arrest, final trial shall not take place until after the birth of the child. If the person accused shall fail to give bond required of him, the judge shall forthwith commit him to the Washington Asylum and Jail, there to remain until he enter into the required bond or otherwise be discharged by due process of law. In all prosecutions under this act the accused shall, upon his demand therefor, be entitled to a trial by jury; otherwise the trial shall be by the judge.

SEC. 4. That if the accused shall fail to appear, the bond for his appearance as aforesaid shall be forfeited and execution issued thereon; and the trial of, or other proceedings in, the cause shall, nevertheless, proceed as though he were present; and the court shall, upon the verdict of the jury, make all such orders as it shall deem proper as though the accused were in court. In any event, if the accused acknowledge in open court the paternity of such child, or if at the trial the finding of the jury be against the accused, the court, in rendering judgment thereon, shall make an order for the annual payment, until the child be fourteen years of age, of such sum of money, in such installments, monthly or otherwise, and in such manner, as shall to the court seem best, and shall also make such order for the keeping, maintenance, and education of the child as may be proper; and in case of forfeiture of the appearance bond, the money collected upon the forfeiture shall be applied in payment of the judgment against the accused; and if any balance remains after the payment of the said judgment, it shall be covered into the Treasury, through the collector of taxes, to the credit, half and half, of the District of Columbia and the United States.

SEC. 5. That the accused who has failed to execute bond before judgment, if he shall be adjudged to be the father of the child, shall thereupon enter into bond, with or without sureties, in the discretion of the court, conditioned for the payment of the sums adjudged, in such installments and in such manner as the court shall direct. In case of his failure to enter into such bond, the court shall commit him to the Washington Asylum and Jail, there to remain until he shall give such bond or pay the total amount of the sums adjudged. If the child shall die before the expiration of the aforesaid bond, upon payment of the amount or amounts due to the death of the said child, or if all dues be paid under such bond, the person adjudged to be the father of the child and his sureties shall be discharged therefrom.

SEC. 6. That when the defendant shall have been confined for six months, solely for failure to make the payments required or to enter into the bond as ordered, such defendant may make application in writing to the judge of the juvenile court, District of Columbia, setting forth his inability to make such payments, notwithstanding his desire to do so, or enter into such required bond, upon which application the judge of the juvenile court, District of Columbia, shall proceed to hear and determine the matter. If, on examination, it shall appear to the court that such defendant is unable to make such payments or to execute the required bond, and that he has no property exceeding twenty dollars in value, except such as is by law exempt from being taken on execution for debt, the judge shall administer the following oath: "I do solemnly swear that I have not any property, real or personal, to the amount of twenty dollars, except such as is by law exempt from being taken on civil process for debt by the laws of the District of Columbia, and that I have no property in any way conveyed or concealed, or in any way disposed of for my future use or benefit. So help me, God." Upon taking such oath such prisoner shall be discharged from imprisonment only but not from his obligation as such putative father to support his child; and the judge of the juvenile court, District of Columbia, shall give to the superintendent of the Washington Asylum and Jail a certificate setting forth the facts.

SEC. 7. That should the accused fail to comply with any order of the court entered as aforesaid, the bond shall be forfeited, and the money collected upon the forfeiture shall be applied in payment in full of the judgment against the accused, and if any balance remains after the payment of the said judgment, it shall be covered into the Treasury, through the collector of taxes, to the credit, half and half, of the District of Columbia and the United States.

SEC. 8. That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act as well as concurrent jurisdiction with the Supreme Court of the District of Columbia in all cases arising under the act approved March 23, 1906, entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute and necessitous circumstances." And the court, in its discretion, may order payments to be made by delinquent fathers, at the precinct wherein they reside, through the Metropolitan Police of the District of Columbia.

## FLORIDA.

General Statutes, 1906.

SECTION 1929. *Effect of decree of divorce.*—No decree of divorce shall render illegitimate the children born during the marriage, except when it is rendered upon the ground set forth in paragraph 9 of section 1928, in which case the marriage shall be invalid from the beginning and the issue illegitimate, and subject to all the legal disabilities of such issue.

Void marriages and divorce.

SEC. 2292. *Bastards.*—Bastards shall be capable of inheriting or of transmitting inheritance on the part of their mother in like manner as if they had been lawfully begotten of such mother.

Inheritance.

SEC. 2579. *Marriages between white and negro persons.*—It shall be unlawful for any white male person residing or being in this State to intermarry with any negro female person; and it shall be in like manner unlawful for any white female person residing or being in this State to intermarry with any negro male person; and every marriage formed or solemnized in contravention of the provisions of this section shall be utterly null and void, and the issue, if any, of such surreptitious marriage shall be regarded as bastard and incapable of having or receiving any estate, real, personal or mixed, by inheritance.

Void marriages.

SEC. 2598. *Arrest and examination on charge of bastardy.*—When any single woman who shall be pregnant or delivered of a child, who by law would be deemed and held a bastard, shall make complaint to the county judge or the justice of the peace of the district where she may be so pregnant or delivered, and shall accuse any person of being the father of such child, such justice shall issue a process directed to the sheriff or constable of such county against the person so accused and cause him to be brought forthwith before him, and upon his appearance said justice shall hear the parties and any evidence which they may produce touching the charge, and if said justice shall be of opinion that sufficient cause appears, he shall bind the person so accused in bond, with good and sufficient security, to be and appear before the next term of the circuit court for said county, and in the meantime to be of good behavior.

SEC. 2599. *Trial in circuit court.*—The circuit court at its next term shall have full and complete cognizance and jurisdiction of said charge of bastardy, and shall cause an issue to be made up whether the reputed father is the real father of the child or not, which issue shall be tried by a jury. The inquiry shall not be ex parte, but the reputed father shall have a right to appear by himself or counsel and controvert by all legal evidence the charge alleged against him.

SEC. 2600. *Judgment against defendant.*—If the issue be found against the defendant or reputed father, then he shall be condemned by the judgment of said court to pay not exceeding fifty dollars and all necessary incidental expenses attending the birth of the said child at the discretion of the said court, yearly, for ten years toward the support, maintenance and education of said child, and the said reputed father shall give bond with good and sufficient security, to be approved by the court, for the due and faithful payment of said sum of money at times therein named, which shall be made payable to the prosecutrix, which said bond shall be and hereby is declared to have the same force, validity and effect as a judgment of said court upon which execution may issue as often as money thereon shall become due and payable. If, however, said child shall not be born alive, or, being born, should die at any time and that fact be suggested upon the record, then and from that time the bond aforesaid shall be void.

SEC. 2601. *Time allowed to pay judgment.*—In all cases of bastardy in any of the courts of this State, in which the issue shall be found against the defendant or reputed father, and judgment is rendered against him, the court shall in such judgment specify a certain time for which he shall be imprisoned in case of failure or refusal to comply with such judgment; but in no case shall such term of imprisonment be for a longer period than one year.

SEC. 2602. *Effect of marriage of parents of bastard.*—If the mother of any bastard child and the reputed father shall at any time after its birth intermarry, the said child shall in all respects be deemed and held legitimate and the bond aforesaid shall be void.

SEC. 3218. *Concealing death of bastard child.*—If any woman conceals the death of any issue of her body, which if born alive would be a bastard, so that it may not be known whether such child was born alive or not, or whether it was not murdered, she shall be punished by imprisonment not exceeding one year, or by fine not exceeding one hundred dollars.

SEC. 3219. *Indictment and verdict.*—Any woman indicted for the murder of her infant bastard child may also be charged in the same indictment with the offence described in the last preceding section, and if upon the trial she be acquitted of the murder, she may be found guilty of the concealment.

NOTE ON MARRIAGES OF FORMER SLAVES.—Marital cohabitation of colored persons prior to emancipation is recognized as marriage and the issue legitimized. (Sec. 2586.)

NOTE REGARDING BIRTH REGISTRATION.—Birth and death certificates are on the standard form approved by the United States Bureau of Census. (Laws 1915, ch. 6832, sec. 14.)

## GEORGIA.<sup>1</sup>

Code of 1911.

Vol. I, Civil Code.

SECTION 2184. \* \* \* The domicile of a bastard shall be that of his mother.

*Residence.*

SEC. 2935. *Void marriages.*—Marriages of persons unable to contract, or unwilling to contract, or fraudulently induced to contract, are void. The issue of such marriages, before they are annulled and declared void by a competent court, are legitimate. In the latter two cases, however, a subsequent consent and ratification of the marriage, freely and voluntarily made, accompanied by cohabitation as husband and wife, shall render valid the marriage.

<sup>1</sup> These laws are also contained in Park's Annotated Code 1914, under section numbers corresponding to those of the Code of 1911. The birth registration law of 1914 constitutes section 1678 (bb) of the Political Code of the 1914 edition.

**SEC. 2963. Effect of total divorce.**—A total divorce annuls the marriage from the time of its rendition, except it be for a cause rendering the marriage void originally; but in no case of divorce shall the issue be rendered bastards, except in cases of pregnancy of the wife at the time of the marriage.

Divorce.

**SEC. 3012. Legitimate children.**—All children born in wedlock, or within the usual period of gestation thereafter, are legitimate. The legitimacy of a child thus born may be disputed. Where possibility of access exists, except in cases of divorce from bed and board, the strong presumption is in favor of legitimacy, and the proof should be clear to establish the contrary. If pregnancy existed at the time of the marriage, and a divorce is sought and obtained on that ground, the child, though born in wedlock, is not legitimate. The marriage of the mother and reputed father of an illegitimate child, and the recognition of such child as his, shall render the child legitimate; and in such case the child shall immediately take the surname of his father.

Presumption of legitimacy; divorce and legitimization.

**SEC. 3013. Legitimacy by order of court.**—A father of an illegitimate child may render the same legitimate by petitioning the superior court of the county of his residence, setting forth the name, age, and sex of such child, and also the name of the mother; and if he desires the name changed, stating the new name, and praying the legitimating of such child. Of this application, the mother, if alive, shall have notice. Upon such application, presented and filed, the court may pass an order declaring said child to be legitimate, and capable of inheriting of the father in the same manner as if born in lawful wedlock, and the name by which he or she shall be known.

Legitimation and name.

**SEC. 3026. Bastard.**—A bastard is a child born out of wedlock, and whose parents do not subsequently intermarry, or a child the issue of adulterous intercourse of the wife during wedlock.

**SEC. 3027. Father's obligation.**—The father of a bastard is bound to maintain him. This obligation shall be good consideration to support a contract by him. He may voluntarily discharge this duty; if he fails or refuses to do it, the law will compel him.

**SEC. 3028. Mother's rights.**—The mother of a bastard is entitled to the possession of the child, unless the father shall legitimate him as before provided. Being the only recognized parent, she may exercise all the paternal power.

**SEC. 3029. Inheritance by bastard.**—Bastards have no inheritable blood, except that given to them by express law. They may inherit from their mother, and from each other, children of the same mother, in the same manner as if legitimate. If a mother have both legitimate and illegitimate children, they shall inherit alike the estate of the mother. If a bastard dies leaving no issue or widow, his mother, brothers, and sisters shall inherit his estate equally. In distributions under this law the children of a deceased bastard shall represent the deceased parent.

**SEC. 3030. By legitimate from illegitimates.**—If a bastard dies intestate, leaving no widow or lineal descendant, or illegitimate brother or sister, or descendant of a brother or sister, or mother, but shall leave a brother or sister of legitimate blood, such brother or sister, or descendant of such brother or sister, may inherit the estate of such intestate; but in default of any such person, the brothers and sisters of the mother of such bastard or their descendants, or the maternal grandparents of such bastard, may inherit the estate of such bastard, to be divided amongst said persons in accordance with the degrees of consanguinity prescribed in the laws for the distribution of other estates.

**SEC. 3045. Guardian of bastard.**—The ordinary may appoint a guardian for the person and property of an illegitimate child in all cases where he may deem it necessary.

Guardianship.

Vol. II, Penal Code.

**SEC. 1330. Proceedings against the mother.**—Any justice who knows, of his knowledge, or has information on oath to that effect, of any woman having a bastard child, or being pregnant with one, which it is probable will become chargeable to the county, may issue a warrant directed to the sheriff or any constable of the county where the case may arise, requiring the offender to be brought before him to give security to the ordinary of the county, in the sum of \$750, for the support and education of the child until it arrives at the age of fourteen years, or to discover on oath the father of the child.

**SEC. 1331. Against the father.**—When the woman is brought before the justice, if she discovers on oath the father of the child, the justice shall issue a warrant, directed as before, requiring that the person thus sworn to be the father of the child so born, or to be born, shall be brought before him, which warrant said officers shall execute.

Illegitimacy proceedings.

SEC. 1332. *Father required to give bond.*—When the putative father is brought before the justice, he may be required to give security for the maintenance and education of the child until it arrives at the age of fourteen years, and also the expense of lying-in with such child, boarding, nursing, and maintenance, while the mother is confined by reason thereof; and if the putative father shall fail to give such security, the justice shall bind him over in a sufficient recognizance to appear before the next superior or county court of the county to answer such complaint as may then and there be alleged against him touching the premises, and the solicitor general shall prefer and lay before the grand jury the proper indictment.

SEC. 1333. *Proceedings when the woman refuses to discover the father.*—When the woman is brought before the justice, if she refuses to discover on oath the father of the child, or give security to appear before the next superior or county court for the county and to give such security as may be then and there required of her by the court for the education and maintenance of the child, as mentioned in the first section of this article, the justice shall commit her, in manner and form aforesaid, as pointed out in this article; and if she refuses to make known to said court the father of the child, or give security as aforesaid, the court may imprison her not exceeding three months.

SEC. 1334. *Either party may make defense.*—Either party, when charged as mentioned in this article, may offer exculpatory affidavits or testimony to the justice, who may exercise his discretion, after due inquiry being had, to discharge or recognize both or either of the parties, in conformity with this article.

SEC. 1335. *How and where bonds are to be returned.*—The justice, before whom the bond shall be taken, shall return it to the ordinary of the county in which such female shall reside, within thirty days after the same is taken.

SEC. 1336. *Action on bond.*—It shall be the duty of the ordinary, when any child has or shall become chargeable to the county where a bond is taken to institute an action on it; and he shall recover the full amount of the bond, which judgment shall remain open, and be subject to be appropriated by the courts, from time to time, as the situation and exigencies of the bastard child may require.

SEC. 682. *Putative father refusing to give security.*—If a putative father of a bastard child shall refuse or fail to give security for the maintenance and education of such child, and also the expense of lying-in with such child, boarding, nursing, and maintenance while the mother is confined by reason thereof, when required to do so in terms of the law, he shall be guilty of a misdemeanor. If fined, the fine shall be paid over to the ordinary of the county, to be by him improved and applied from time to time, as occasion may require, for the maintenance of such child, and for the payment of the expense of lying-in with such child, boarding, nursing, and maintenance while the mother is confined by reason thereof, and shall not be retained by the officers of court for the purpose of paying insolvent costs due them, or for any other purpose.

SEC. 79. *Concealment of death of bastard child.*—If any woman shall conceal or attempt to conceal the death of any issue of her body, which, if it were born alive, would be a bastard, so that it may not come to light whether it was murdered or not, she is guilty of a misdemeanor.

SEC. 369. *Bigamy—Exceptions—Five years' absence.*—Five years' absence of the husband or wife, and no information of the fate of such husband or wife, shall be sufficient cause of acquittal of the person indicted under the preceding section; and the issue of such second marriage, born before the commencement of any prosecution for polygamy, or within the ordinary period of gestation thereafter, shall, notwithstanding the invalidity of such marriage, be considered as legitimate.

NOTE ON BIRTH REGISTRATION.—Certificate of birth states: Whether legitimate or illegitimate; also, if legitimate, full name of father: provided, that if the child is illegitimate, the name of the putative father shall not be entered without his consent, but the other particulars relating to the putative father (items 9 to 13) may be entered if known, otherwise as "unknown." (Laws 1914, no. 466.)

## HAWAII.

Revised Laws, 1915.

SECTION 1142. *Births reported by parents and physicians.*—It shall be the duty of the father of each and every child born in the Territory of Hawaii; or if the father be absent from the country at the time of the birth, or not living, or if the child be illegitimate, then it shall be the duty of the mother of such child, within thirty days after the birth of such child, to notify the registrar of births, deaths and marriages of the district in which such birth takes place, of the date of birth, sex and name of such child, if named; the names of the parents of such child, whether it is legitimate or illegitimate, and the locality of the birth. It shall



also be the duty of every physician who shall attend, or be called upon in connection with the birth of any child in the Territory of Hawaii, within thirty days after such birth, to report such birth and the other facts relating to such child in this section above set forth.

**Sec. 2272. Circuit judges at chambers.**—The judges of the several circuit courts shall have power at chambers within their respective jurisdictions, but subject to appeal to the circuit and supreme courts, according

to law, as follows:

Fifth. To legalize the adoption of children and to decree the affiliation of bastards. (See chs. 171, 172.)

**Sec. 2478. Sworn petition in what cases.**—All applications \* \* \* for the affiliation of bastards \* \* \* shall be by sworn petition addressed to some judge having jurisdiction thereof.

**Sec. 2922. Legitimacy in case of annulment for nonage or insanity.**—Upon the annulment of a marriage on account of nonage, insanity, or idiocy of either party, the issue of the marriage shall be deemed to be in

**Void marriages.** all respects the legitimate issue of the parent who, at the time of the marriage, was capable of contracting.

**Sec. 2923. Children of marriage annulled for consanguinity, illegitimate.**—Upon the annulment of a marriage that is prohibited on account of consanguinity between the parties, the issue of the marriage shall be illegitimate.

**Sec. 2940. Issue legitimate in case of husband's adultery.**—A divorce for the cause of adultery committed by the husband shall not affect the legitimacy of the issue of the marriage.

**Sec. 2941. Prima facie legitimate in case of wife's adultery.**—A divorce for the cause of adultery committed by the wife shall not affect the legitimacy of the issue of the marriage, but the legitimacy of such children, if questioned, shall be tried and determined by the judge. In every such case the legitimacy of such children shall be presumed, until the contrary be shown.

**Sec. 2995. Bastards—Support—Inheritance from mother.**—Children whose parents shall not have been legally married, in contemplation of chapter 166, shall be denominated bastards, and shall not be entitled to inherit from their male parents, without express bequests: *Provided, nevertheless,* That the female parent shall be compellable to maintain and support them during minority, and they shall be capable of taking by inheritance from the mother, without will.

**Sec. 2996. Bastards—Legitimation.**—All children born out of wedlock, irrespective of the marriage of either parent to another, become legitimate on the marriage of the parents with each other and are entitled to the same rights as those born in wedlock.

**Sec. 3005. Bastard defined.**—Every child shall be deemed a bastard who shall be begotten and born out of lawful wedlock, unless such child shall have been legitimized as by law provided.

**Sec. 3006. Application for arrest of alleged father.**—Any unmarried woman when quick with child or within six months after the delivery thereof, may apply to the judge of the juvenile court of the circuit in which she or the alleged father of said child resides, or in which she was delivered of such child, for a warrant for the arrest of the person whom she accuses of being the father thereof.

Such warrant may also be applied for by either of the parents or guardian of such mother, or by any person as the next friend of said bastard within six months after the date of its birth; and if after said complaint has been made either by the mother or by any one as above specified, the mother dies or refuses or neglects to prosecute the same, any of said persons may prosecute the case to final judgment for the benefit of the parent, guardian or the bastard.

Before issuing such warrant, the judge shall examine the applicant under oath concerning the residence, the character and married or single condition of the mother when the child was begotten, the time and place where it was begotten, where and when it was born, if born, and such other circumstances as such judge shall deem necessary or proper for testing the truth of such accusation, and shall reduce the statement of the applicant to writing and sign the same.

**Sec. 3007. Issuance of warrant—Bond.**—If, on such examination, there appears probable cause to believe that the woman is quick with child or that the child, if born, is still under six months of age and that the accused person is the father thereof, the judge shall issue a warrant directed to the high sheriff of the Territory of Hawaii, his deputy, the sheriff of the county or city and county or his deputy, or any police officer within the circuit, requiring the accused to be arrested and brought for preliminary examination before the judge of the juvenile court, who, upon such pre-

liminary examination, may require the accused to enter into bond, with good surety to the Territory of Hawaii in a sum to be fixed by such judge, not to exceed two thousand five hundred dollars, for his appearance and trial in the juvenile court, and to perform the judgment of such court, but, if the woman be quick with child at the time of the arrest, final trial shall not take place until after the birth of the child. If the accused shall fail to give the bond required of him, the judge shall forthwith commit him to the custody of the sheriff of the county or city and county, there to remain until he shall enter into the required bond or otherwise be discharged by due process of law. In all prosecutions under this chapter, the accused shall, upon his demand therefor, be entitled to a trial by jury; otherwise the trial shall be by the judge.

**SEC. 3008. Trial—Judgment.**—If the accused shall fail to appear, the bond for his appearance as aforesaid shall be forfeited; but the trial of, or other proceedings in, the cause shall, nevertheless, proceed as though he were present; and the court shall upon the findings of the judge or the verdict of the jury make all such orders as it shall deem proper as though the accused were in court. If the accused acknowledge in open court the paternity of such child, or if at the trial the finding of the court or jury be against the accused, the court, in rendering judgment thereon, shall make an order for the annual payment, until the child be fourteen years of age, of such sum of money, in such installments, and in such manner, as shall to the court seem best, taking into consideration the financial standing of the defendant, his income, earning capacity, and those of his family who are dependent upon him for their support, maintenance and education, and shall also make such order for the keeping, maintenance and education of the child as may be proper; and in case of forfeiture of the appearance bond, the money collected upon the forfeiture shall be applied in payment of the judgment against the accused.

**SEC. 3009. Bond after judgment.**—An accused who has failed to execute bond before judgment, if he shall be adjudged to be the father of the child, shall thereupon enter into bond, with sureties, conditioned for the payment of the sum or sums adjudged in such installments and in such manner as the court shall direct. In case of his failure to enter into such bond the court shall commit him to the custody of the sheriff of the county or city and county there to remain until he shall give such bond or pay the total amount of the sums adjudged. If the child shall die before the expiration of the bond, the person adjudged to be the father of the child and his sureties shall be discharged from the bond upon the payment of all amounts due before such death.

**SEC. 3010. Mother as witness.**—The mother of the child shall be admitted as a witness in support of the complaint and may be compelled to testify, but no prosecution shall afterwards be had against her for or on account of any transaction, matter or thing concerning which she may testify or produce evidence, documentary or otherwise. If, upon examination under the provisions of section 3006, and also in the time of her travail, she accuses the same person of being the father of the child, and continues constant in such accusation, her accusation in time of travail shall be admissible in evidence upon the trial to corroborate her testimony.

**SEC. 3011. Compromise of case.**—If any of the persons authorized by the provisions of section 3006 have intervened as therein provided, no complaint instituted by the mother shall be withdrawn, dismissed or settled by agreement between her and the putative father without the consent of the court and of the person so intervening, unless provision is made to the satisfaction of the court, to relieve and indemnify any parent, guardian, county or city and county or the Territory from all charges which have accrued or may accrue for the maintenance and education of the child and for the costs of the complaint and the prosecution thereof.

**SEC. 3012. Inability to make payment.**—When the accused shall have been confined solely for failure to make the payments required or to enter into the bond as ordered, he may apply in writing to the judge of the juvenile court, setting forth his inability to make such payments, notwithstanding his desire to do so, or to enter into such required bond, whereupon the judge shall proceed to hear and determine the matter. If, on examination, it shall appear that the accused is unable to make such payments or to execute the required bond and that he has no property exceeding twenty dollars in value, except such as is by law exempt from being taken on execution for debt, the prisoner shall be discharged from imprisonment only, but not from his obligation, if any, to support the child.

**SEC. 3013. Recovery by civil action.**—The mother of such child, and any parent, guardian or other person as the next friend of such child, county or city and county, or the Territory, respectively, may, at any time after the liberation of the accused as provided in section 3012, recover by civil action any amount of money for which he is liable to them respectively in pursuance of such order of court.

SEC. 3014. *Forfeiture of bond—Application of proceeds.*—Should the accused fail to comply with any order of the court entered as aforesaid, the bond shall be forfeited, and the money collected upon the forfeiture shall be applied in payment of the judgment against the accused.

SEC. 3015. *Prosecution within six months.*—No prosecution under this chapter shall be begun more than six months after the birth of the child, provided that the time during which the person alleged to be the father thereof shall be absent from the Territory shall not be computed.

SEC. 3070. *Illegitimate children.*—All illegitimate children shall have their mother's name as a family name. They shall, besides, have a Christian name suitable to their sex.

SEC. 3248. *Descent; to illegitimate child.*—Every illegitimate child shall be considered as an heir to his mother, and shall inherit her estate, in whole or in part, as the case may be, in like manner as if he had

been born in lawful wedlock.

SEC. 3249. *Descent; from illegitimate persons.*—If any illegitimate person shall die intestate, without leaving lawful issue, or a widow, his estate shall descend to his mother; but if he leaves a widow, she shall take one-half, and his mother the other half, and if his mother be not living, but his widow is, then the widow shall take one-half, and the remaining half shall go to his brothers and sisters in equal parts, the children of any deceased brother or sister taking by right of representation; and in default of surviving brothers or sisters, or their issue, said one-half shall go to the brothers and sisters of his mother in equal shares, the issue of any such brother or sister who is deceased, taking by right of representation; and in default of any such relatives as are in this section mentioned, such half, and the whole, in the event that he shall leave no widow, shall go to his next of kin; and no suit at law or other process shall hereafter be commenced or prosecuted on behalf of the government of this Territory to recover or hold any property which but for this section, might have been held to have escheated to said government.

SEC. 4164. *Concealing death of bastard—Punishment.*—If any woman conceals the death of any issue of her body, whether born alive or not, which, if born alive, would have been a bastard, so that it may not be known whether such issue was born alive or not, or whether it was murdered, she shall be punished by fine not exceeding one hundred dollars, and imprisonment at hard labor not more than two years.

NOTE ON WORKMEN'S COMPENSATION ACT.—Child is defined as including illegitimate children acknowledged previous to the injury. (Laws 1917, act 227.)

## IDAHO.

Revised Code, 1908.

SECTION 2699. *Legitimation of issue by marriage.*—A child born before wedlock becomes legitimate by the subsequent marriage of its parents.

SEC. 2642. *Legitimacy of children.*—When a marriage is annulled on the ground that former husband or wife is living, or on the ground of insanity, children begotten before the judgment are legitimate and succeed

to the estate of both parents.

SEC. 2669. *Legitimacy of issue.*—When a divorce is granted for the adultery of the wife, the legitimacy of children begotten of her before the commission of the adultery is not affected; but the legitimacy of other children of the wife may be determined by the court upon the evidence in the case.

SEC. 2703. *Consent of parents of child.*—A legitimate child can not be adopted without the consent of its parents, if living, nor an illegitimate child without the consent of its mother, if living, except that consent

is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery, or of cruelty, and for either cause divorced, or adjudged to be an habitual drunkard, or who has been judicially deprived of the custody of the child on account of cruelty or neglect. If it can be shown satisfactorily to the judge that the parent or parents have abandoned it, or ceased to provide for its support, then it may be adopted by the written consent of its legal guardian. If no guardian then of its nearest relative. If no relative then by the consent of some person appointed by the judge to act in the proceedings as the next friend to such child.

SEC. 2709. *Adoption of illegitimate child.*—The father of an illegitimate child, by publicly acknowledging it as his own, receiving it as such, with the consent of his wife, if he is married, into his family, and otherwise

treating it as if it were a legitimate child, thereby adopts it as such; and such child is thereupon deemed for all purposes legitimate from the time of its birth. The foregoing provisions of this chapter do not apply to such an adoption.

**SEC. 5703. *Heirship of illegitimate children.***—Every illegitimate child is an heir of the person who, in writing, signed in the presence of a competent witness, acknowledges himself to be the father of such child; and in all cases is an heir of his mother; and inherits his or her estate, in whole or in part as the case may be, in the same manner as if he had been born in lawful wedlock, but he does not represent his father or mother by inheriting any part of the estate of his or her kindred, either lineal or collateral, unless before his death, his parents shall have intermarried, and his father, after such marriage, acknowledges him as his child or adopts him into his family; in which case such child and all the legitimate children are considered brothers and sisters, and on the death of either of them, intestate and without issue, the others inherit his estate and are heirs as hereinbefore provided, in like manner as if all the children had been legitimate; saving to the father and mother respectively, their rights in the estates of all the children in like manner as if all had been legitimate. The issue of all marriages null in law, or dissolved by divorce, are legitimate.

**SEC. 5704. *Mother successor to illegitimate child.***—If an illegitimate child who has not been acknowledged or adopted by his father, dies intestate without lawful issue, his estate goes to his mother, or in case of her decease, to her heirs at law.

**SEC. 5781. *Appointment of testamentary guardian.***—A guardian of the person or estate, or of both, of a child born, or likely to be born, may be appointed by will or by deed, to take effect upon the death of the parent appointing:

2. If the child be illegitimate, by the mother.

**NOTE ON BIRTH REGISTRATION.**—Certificate of birth states whether legitimate or illegitimate. (Laws 1911, ch. 191, sec. 14.)

**NOTE ON WORKMEN'S COMPENSATION LAW.**—"Child" includes acknowledged illegitimate children. (Laws 1917, ch. 81, sec. 14.)

**NOTE ON INCESTUOUS MARRIAGES.**—The law applies to illegitimate relationship. (R. C. 1908, sec. 2615.)

## ILLINOIS.

Hurd's Revised Statutes, 1917.

### Ch. 17. Bastardy.

**SECTION 1. *Complaint by mother.***—That when an unmarried woman who shall be pregnant, or delivered of a child which by law would be deemed a bastard, shall make complaint to a justice of the peace or judge of a municipal court in the county where she may be so pregnant or delivered, or the person accused may be found and shall accuse, under oath or affirmation, a person with being the father of such child, it shall be the duty of such justice or judge to issue a warrant against the person so accused and cause him to be brought forthwith before him, or in his absence, any other justice of the peace or judge in such county.

**SEC. 2. *Warrant.***—The warrant shall be directed to all sheriffs, coroners and constables in the State of Illinois, and may be executed by any such officer in any county.

**SEC. 3. *Examination—Bond or jail.***—Upon his appearance, it shall be the duty of said justice or judge to examine the woman, upon oath or affirmation, in the presence of the man alleged to be the father of the child, touching the charge against him. The defendant shall have the right to controvert such charge, and evidence may be heard as in cases of trial before the county court. If the justice or judge shall be of the opinion that sufficient cause appears, it shall be his duty to bind the person so accused in bond, with sufficient security, to appear at the next county court to be holden in such county, to answer such charge, to which court said warrant and bond shall be returned, except that in the County of Cook, where said warrant and bond shall be returned to the criminal court of Cook County. On neglect or refusal to give bond and security, the justice or judge shall cause such person to be committed to the jail of the county, there to be held to answer the complaint.

**SEC. 4. *Trial in county court.***—The county, or the said criminal court of such county, at its next term, shall cause an issue to be made up, whether the person charged, as aforesaid, is the real father of the child or not, which issue shall be tried by a jury. When the person charged appears and denies the charge, he shall have a right to controvert, by all legal evidence the truth of said charge.

**SEC. 5. *Continuance.***—If, at the time of such court, the woman be not delivered, or is unable to attend, the court shall order a recognizance to be taken of the person charged as aforesaid, in such an amount and with such sureties as the court may deem

just, for the appearance of such person at the next court after the birth of her child; and should such mother not be able to attend at the next term after the birth of her child, the recognizance shall be continued until she is able.

SEC. 6. *Competent witnesses.*—On the trial of every issue of bastardy, the mother and defendant shall be admitted as competent witnesses, and their credibility shall be left to the jury.

SEC. 7. *When judgment is for defendant.*—If, upon the trial of the issue aforesaid, the jury shall find that the child is not the child of the defendant or alleged father, then the judgment of the court shall be that he be discharged. The woman making the complaint shall pay the costs of the prosecution, and judgment shall be entered therefor, and execution may thereupon issue.

SEC. 8. *When judgment is against defendant.*—In case the issue be found against the defendant or reputed father, or whenever he shall, in open court, have confessed the truth of the accusation against him, he shall be condemned by the order and judgment of the court to pay a sum of money not exceeding one hundred dollars for the first year after the birth of such child, and a sum not exceeding fifty dollars yearly, for nine years succeeding said first year, for the support, maintenance and education of such child, and shall, moreover, be adjudged to pay all the costs of the prosecution, for which costs execution shall issue as in other cases. And the said reputed father shall be required by said court to give bond with sufficient security, to be approved by the judge of said court, for the payment of such sum of money as shall be ordered by said court, as aforesaid; which said bond shall be made payable to the people of the State of Illinois, and conditioned for the due and faithful payment of said yearly sum, in equal quarterly installments, to the clerk of said court, which bond shall be filed and preserved by the clerk of said court.

SEC. 9. *Refusal to give security.*—In case the defendant shall refuse or neglect to give such security as may be ordered by the court, he shall be committed to the jail of the county, there to remain until he shall comply with such order, or until otherwise discharged by due course of law. Any person so committed shall be discharged for insolvency or inability to give bond: *Provided*, Such discharge shall not be made within six months after such commitment.

SEC. 10. *Money; how used.*—The money, when received, shall be laid out and appropriated for the support of such child in such manner as shall be directed by the court; but when a guardian shall be appointed for such bastard, the money arising from such bond shall be paid over to such guardian.

SEC. 11. *Proceedings on default.*—Whenever default shall be made in the payment of a quarterly installment, or any part thereof, mentioned in the bond provided for in the foregoing section, the county judge of the county or the judge of the criminal court in Cook County, wherein such bond is filed, shall, at the request of the mother, guardian, or any other person interested in the support of such child, issue a citation to the principal and sureties in said bond, requiring them to appear on some day, in said citation mentioned, during the next term of the county court of said county for probate business, or of the said criminal court, and show cause, if any they have, why execution should not issue against them for the amount of the installment or installments due and unpaid on said bond, which said citation shall be served by any sheriff or constable of the county in which such principal or sureties reside or may be found, at least five days before the term day thereof. And if the amount due on such installment or installments shall not be paid at or before the time mentioned for showing cause as aforesaid, the said judge shall render judgment in favor of the people of the State of Illinois, against the principal and sureties who have been served with said citation, for the amount unpaid on the installment or installments due on said bond, and the costs of said proceeding; and execution shall issue from said court against the goods and chattels of the person or persons against whom said judgment shall be rendered, for the amount of said judgment and costs, to the sheriff of any county in the State where the parties to said judgment, or either of them, reside or have property subject to such execution.

SEC. 12. *Contempt—Lien of judgment—Emergency.*—And said judge shall also have power in case of default in the payment, when due, or any installment or installments, or any part thereof, in the condition of said bond mentioned, to adjudge the reputed father of such child guilty of contempt of said court, by reason of the nonpayment as aforesaid, and to order him to be committed to the county jail of said county until the amount of said installment or installments so due, shall be fully paid, together with all costs of such commitment, and in the obtaining and enforcing of said judgment and execution, as aforesaid. But the commitment of such reputed father shall not operate to stay or defeat the obtaining of judgment and the collection thereof

by execution as aforesaid: *Provided*, That the rendition and collection of judgment, as aforesaid, shall not be construed to bar or hinder the taking of similar proceedings for the collection of subsequent installments on said bond, as they shall become due and remain unpaid: *And provided, further*, That if the judge, or any other person interested in the support of such child, shall deem it necessary, in order to secure the payment or collection of such judgment, that the same should be made a lien on real estate, a transcript of said proceedings and judgment shall be made by the clerk of said court, and filed and recorded in the office of the clerk of the circuit court of said county, in the same manner and with like effect as transcripts of judgments of justices of the peace are filed and recorded, to make the same a lien on real estate, and execution and other process shall thereupon issue for the collection of said judgment as in case of other judgments in said circuit court, and the provisions of this section, as far as applicable, apply to all bonds which have heretofore been taken in pursuance of the statutes in regard to bastardy.

SEC. 13. *Custody of child*.—The reputed father of a bastard child shall not have the right to the custody or control of such child, if the mother is living and wishes to retain such custody and control, until after it shall have arrived at the age of ten years, unless, upon petition to the circuit court of the county in which the mother resides, it shall, on full hearing of the facts in the case, after notice to the mother, be made to appear to the judge of said court that said mother is not a suitable person to have the control and custody of such child.

SEC. 14. *Child not born alive, or dying*.—If the said child should never be born alive, or being born alive should die at any time, and the fact shall be suggested upon the record of the said court, then the bond aforesaid shall from thenceforth be void.

SEC. 15. *Marriage of parents*.—If the mother of any bastard child, and the reputed father, shall, at any time after its birth, intermarry, the said child shall, in all respects, be deemed and held legitimate, and the bond aforesaid be void.

SEC. 16. *Limitation*.—No prosecution under this act shall be brought after two years from the birth of the bastard child: *Provided*, The time any person accused shall be absent from the State shall not be computed.

SEC. 17. *Compromise—Release by mother*.—The mother of a bastard child, before or after its birth, may release the reputed father of such child from all legal liability on account of such bastardy, upon such terms as may be consented to in writing by the judge of the county court of the county in which such mother resides: *Provided*, A release obtained from such mother in consideration of a payment to her of a sum of money less than four hundred dollars (\$400) in the absence of the written consent of the county judge shall not be a bar to a suit for bastardy against such father, but if, after such release is obtained, suit be instituted against such father and the issue be found against him, he shall be entitled to a set-off for the amount so paid, and it shall be accredited to him as of the first payment or payments: *And provided, further*, That such father may compromise all his legal liability on account of such bastard child, with the mother thereof, without the written consent of the county judge, by paying to her any sum not less than four hundred dollars.

#### Ch. 39. Descent.

SEC. 2. *Illegitimates*.—An illegitimate child shall be heir of its mother and any maternal ancestor, and of any person from whom its mother might have inherited, if living; and the lawful issue of an illegitimate person shall represent such person, and take, by descent, any estate which the parent would have taken, if living.

Second. The estate, real and personal, of an illegitimate person, shall descend to and vest in the widow or surviving husband and children, as the estate of other persons in like cases.

Third. In case of the death of an illegitimate intestate leaving no child or descendant of a child, the whole estate, personal and real, shall descend to and absolutely vest in the widow or surviving husband.

Fourth. When there is no widow or surviving husband, and no child or descendants of a child, the estate of such person shall descend to and vest in the mother and her children, and their descendants—one-half to the mother, and the other half to be equally divided between her children and their descendants, the descendants of a child taking the share of their deceased parent or ancestor.

Fifth. In case there is no heir as above provided, the estate of such person shall descend to and vest in the next of kin to the mother of such intestate, according to the rule of the civil law.

Sixth. When there are no heirs or kindred, the estate of such person shall escheat to the State, and not otherwise.

**SEC. 3. *Child legitimated.***—An illegitimate child, whose parents have intermarried, and whose father has acknowledged him or her as his child, shall be considered legitimate.

**Legitimation.**

#### Ch. 40. Divorce.

**SEC. 3. *Legitimacy of children.***—No divorce shall, in anywise, affect the legitimacy of the children of such marriage, except in cases where the marriage shall be declared void on the grounds of a prior marriage.

**Void marriages and divorce.**

#### Ch. 89. Marriages.

**SEC. 4. \* \* \*** And any children born to parties who have entered into such common-law marriage shall be and are deemed legitimate upon the parents having obtained a license to marry and are married in the manner provided in this act.

#### Ch. 38. Criminal code.

**SEC. 44.** If any woman shall endeavor, privately, either by herself or by the procurement of others, to conceal the death of any issue of her body, which if born alive would be a bastard, so that it may not come to light, whether it shall have been murdered or not, she shall suffer confinement in the county jail for a term not exceeding one year: *Provided, however,* That nothing herein contained shall be so construed as to prevent such mother from being indicted and punished for the murder of such bastard child.

**Concealment of births and deaths.**

#### Ch. 53. Foundlings.

**SEC. 1. \* \* \*** When any child in this State, under the age of one year, shall be willfully abandoned by its parents, and shall be taken and cared for by any charitable institution in this State, incorporated or otherwise, such parents so abandoning said child shall thenceforth lose all their right, control and authority over said child, and said right, control and authority shall thereupon become vested in said institution.

**Abandonment.**

**SEC. 2.** It shall be deemed a willful abandonment, for the purposes of this act, if any such child be left by its parents at any such charitable institution.

**SEC. 3.** In case of illegitimate children, or where the father of any legitimate child shall have willfully deserted his family for the space of one year, an abandonment by the mother of any such child shall be deemed an abandonment by its parents, according to the provisions of this act.

**NOTE ON BIRTH REGISTRATION.**—The act of June 22, 1915, contains the following section:

**SEC. 13.** That the certificate of birth shall contain at least the items of the standard certificate of birth as approved and adopted by the United States Bureau of the Census: *Provided,* That the certificate of birth and record thereof required by this act shall not, in the case of an illegitimate child, contain the name of [or] other identifying fact, relating to the father or reputed father or to the mother thereof, without the consent of said father or reputed father to the use of his name, nor the use of the name of the mother, without her consent to the use of her name. (Ch. 111½, sec. 31.)

**NOTE ON INCESTUOUS MARRIAGES.**—The law applies to illegitimate relationship. (Ch. 89, sec. 1.)

**NOTE ON APPRENTICESHIP.**—An illegitimate minor may be bound by his or her mother during the lifetime of the putative father, as well as after his decease. (Ch. 9, sec. 2.)

**NOTE ON ADOPTION LAW.**—The law recognizes the illegitimate mother in the consent requirement. (Ch. 4, secs. 2, 9a, 9b.)

**NOTE ON MARRIAGES OF FORMER SLAVES.**—The law legitimizes the issue of marital cohabitation between former slaves. (Law May 15, 1891.)

## INDIANA.

Burns' Annotated Statutes (revision of 1914).

SECTION 1013. *Verified complaint—Warrant.*—When any woman who has been delivered of or is pregnant with a bastard child shall make a complaint thereof in writing, under oath, before any justice of the peace, charging any person with being the father of such child, such justice shall, by his warrant, cause such person to be arrested and brought before him.

SEC. 1014. *Trial.*—Upon the arrest of such person, or the return of the warrant that he can not be found, such justice shall proceed to hear and determine such complaint.

SEC. 1015. *Style of suit—Evidence—Woman a witness.*—The prosecution shall be in the name of the State of Indiana, on the relation of the prosecuting witness; but the rules of evidence shall be the same as in civil cases, and the mother of the child, if of sound mind, shall be a competent witness.

SEC. 1016. *Bond to appear in circuit court—Commitment.*—If the justice, on hearing, adjudge the defendant to be the father of such child, he shall, if such defendant is in custody, require him to give bond in a sum not less than two hundred nor more than ten hundred dollars, with sufficient sureties, payable to the State of Indiana, and conditioned that he will appear at the next term of the circuit court of such county to answer such complaint, not depart without leave, and abide the judgment and orders of such court; or, failing therein, that he will pay such sums of money and to such person as may be adjudged by such court; and shall transmit such bond, together with a transcript of his proceedings and the other papers in the cause, without delay, to the clerk of the circuit court of the proper county. And if such defendant shall fail to give such bond, such justice shall commit him to jail until discharged by law. Such bond, or any bond given by such defendant on any continuance or arrest may be put in suit by any person in whose favor the court may adjudge any sum of money in such prosecution.

SEC. 1017. *Bond after commitment.*—Any person committed to jail for failure to give such bond may be discharged from custody, by filing, at any time after his commitment, with the clerk such bond to the satisfaction of such clerk; and a certificate of the clerk to the sheriff shall be sufficient to authorize him to discharge said defendant from custody.

SEC. 1018. *Trial as in civil cases.*—The trial and continuance thereof of such prosecution, both before the justice and in the circuit court, shall, in all respects not herein otherwise provided for, be governed by the law regulating civil suits.

SEC. 1019. *Justice must write woman's evidence.*—The testimony of the mother shall be by such justice reduced to writing, read carefully to such witness, and by her be signed; and shall, by such justice, be returned to the circuit court with the other papers in such case, to be used by either party to sustain or impeach the testimony of such witness. The failure of the justice so to do shall not be ground of dismissal in the circuit court; but such justice shall recover no fees in such case.

SEC. 1020. *Bond upon continuance.*—Upon any continuance granted either party, the court or justice granting the same shall require of the defendant a like bond as is required in the fourth section, or commit him to jail for failure to give such bond, and such defendant may be discharged from custody in the same manner as in the fifth section of this act provided.

SEC. 1021. *Trial in absence of defendant—Transcript.*—If the defendant shall not have been arrested, or has escaped after arrest, such trial shall proceed in his absence; and if he be adjudged the father of such child, the justice shall transmit the papers and a transcript of such judgment, without delay, to the clerk of the circuit court of the proper county, who shall file and docket the same for trial; and such cause shall be heard and determined by such court in the same manner as if such defendant were present.

SEC. 1022. *Filing is lien on realty.*—The filing of such transcript, as in the preceding section of this act provided, shall operate, from the time of such filing, as a lien upon the real estate of the defendant to the extent of the judgment which may afterward be rendered against him in such prosecution; and such judgment shall have the same effect and lien as if rendered at the time of such filing; and such lien shall be declared in such judgment.

SEC. 1023. *No abatement if mother dies—Proceedings—Evidence.*—The death of the mother shall not abate such suit, if the child be living; but a suggestion of record of the fact shall be made, and the name of the child substituted in the proceedings for that of the mother, and a guardian ad litem shall be appointed for that purpose, who shall not be liable for costs; and in such case, the testimony of the mother, taken in writing before the justice, may be read in evidence, and shall have the same force as if she were living, and had testified to the same in court.



SEC. 1024. *When clerk to issue warrant—Bond—Commitment.*—When the defendant is not in custody, or under bond, and a transcript has been filed, as in the ninth section required, the clerk of the circuit court shall issue to the sheriff of any county where such defendant may be alleged to be, a warrant for his apprehension; and such sheriff, if he arrest such defendant, shall require of him such bond as in the fourth section required; and on his failure to give the same to the satisfaction of such sheriff, he shall commit him to the jail of the county where such trial is pending.

SEC. 1025. *Trial in circuit court.*—If the defendant, in the circuit court, deny the charge, the issue shall be tried by the court or a jury.

SEC. 1026. *Judgment against defendant.*—If such jury find that the defendant is the father of such child, or such defendant, in court, shall confess the same, he shall be adjudged the father of such child, and stand charged with the maintenance and education thereof.

SEC. 1027. *Order to pay—Commitment—How released.*—Such court shall, on such verdict and judgment, make such order as may seem just for securing such maintenance and education to such child, by the annual payment to such mother (or if she be dead or an improper person to receive the same, to such other person as the court may direct) of such sums of money as may be adjudged proper, and shall render judgment for the same, specifying the terms of payment; and shall require of such defendant, if he be in custody, to replevy such judgment by good freehold surety, or, in default thereof, shall commit such defendant to jail. And should the defendant fail to replevy or pay said judgment, and in default thereof be committed to jail, and upon proof thereof being made to the court, that the defendant has been imprisoned in the jail of the county for a period of twelve months from the date of his imprisonment, and that he is unable to pay or replevy the same, he may be released from imprisonment by an order of the court, made at any regular term of said court; which order of release shall be entered upon the records of said court.

SEC. 1028. *Execution without relief.*—Execution may issue on such judgments, whenever any amount is due on the same; and shall be executed without any relief whatever from valuation or appraisement laws.

SEC. 1029. *Suit, how dismissed—Entry.*—The prosecuting witness, if an adult, may, at any time before final judgment, dismiss such suit, if she will first enter of record an admission that provision for the maintenance of the child has been made to her satisfaction; and if such witness be a minor, she may dismiss such suit, if it be first shown to the satisfaction of the court in which the same is pending, that suitable provision has been made and properly secured for the maintenance of the child, and a finding of the court to that effect entered of record. And such entry, in either case, shall be a bar to all other prosecutions for the same cause and purpose.

SEC. 1030. *Limitation two years.*—No prosecution under this act shall be instituted after two years from the birth of such bastard child.

SEC. 1031. *Judgment may be reduced on child's death.*—Upon the death of any bastard child after judgment rendered as aforesaid, and before the expiration of the time limited for the last payment on such judgment, the court rendering such judgment may make such reduction in the amount of the same as may be rendered proper and just in consequence of such death.

SEC. 1032. *Child's death not to abate or bar.*—The death of a bastard child shall not be cause of abatement or bar to any prosecution for bastardy; but the court trying the same shall, on conviction, give judgment for such sum as shall be deemed just.

SEC. 1033. *Prosecutor conducts suit.*—The several prosecuting attorneys within their respective circuits shall prosecute all causes originating under this act.

SEC. 1034. *Defendant dying, action survives.*—In the case of the death of the putative father of such child, either before or after the commencement of prosecution, and after the preliminary examination before the justice, the right of action shall survive, and may be prosecuted against the personal representatives of the deceased with like effect as if such father were living, except that no arrest of such personal representatives shall take place or bond be required.

SEC. 1382. *Judges—Jurisdiction.*— \* \* \* The appellate court of Indiana shall \* \* \* have exclusive jurisdiction \* \* \* of appeals from the

**Jurisdiction.** circuit, superior, and criminal courts, in the following classes of cases:

Tenth. All cases of bastardy.

SEC. 1060. *Marriages voidable—Issue legitimate.*—When either of the parties to a marriage shall be incapable, from want of age or understanding, of contracting such marriage, the same may be declared void, on application of the incapable party, by any court having jurisdiction

**Void marriages.** to decree divorces; but the children of such marriage, begotten before the same is annulled, shall be legitimate; and in such cases the same proceedings shall be had as provided in applications for divorce.

SEC. 1061. *Issue of certain marriages legitimate.*—The issue of a marriage, void on account of consanguinity, affinity, or difference of color shall be deemed to be legitimate.

SEC. 1062. *When issue legitimate, though former marriage exists.*—When either of the parties to a marriage, void because a former marriage exists undissolved, shall have contracted such void marriage in the reasonable belief that such disability did not exist, the issue of such marriage, begotten before the discovery of such disability by such innocent party, shall be deemed legitimate.

SEC. 1063. *Proceedings to determine legitimacy.*—For the purpose of evidence, any person or persons interested in the question of such legitimacy may file his petition in the circuit court or superior court of any county in this State where either of the parties to said marriage may reside, setting forth the facts, and making defendants thereto all persons interested in such question, and give such notice to said defendants as is by this act required to be given to the defendant on a petition for a divorce; and the court, on hearing such petition, shall decree such issue to be legitimate or illegitimate, as the facts may be, and from such decree an appeal may be taken to the supreme court, and when taken, the case shall be governed by the same rules and disposed of as other civil actions are in cases of appeal.

SEC. 1064. *Decree conclusive—Review by infant.*—Such decree as shall be finally rendered in cases provided for in the next preceding section shall be conclusive between the parties thereto and those claiming under them; but any minor defendant may have the same reviewed, at any time within one year after arriving at the age of twenty-one years.

SEC. 2998. *To illegitimate child from mother.*—Illegitimate children shall inherit from the mother as if they were legitimate, and through the mother, if dead, any property or estate which she would, if living, have taken by gift, devise, or descent from any other person.

SEC. 3000. *Illegitimate child inheriting from father.*—That the illegitimate child or children of any man dying intestate and having acknowledged such child or children during his lifetime as his own, shall inherit his estate, both real and personal, and shall be deemed and taken to be the heir or heirs of such intestate in the same manner and to the same extent as if such child or children had been legitimate: *Provided*, That the testimony of the mother of such child or children shall in no case be received to establish the fact of such acknowledgment: *And be it provided*, That the provisions of this act shall not apply where the father of the illegitimate child, at his death, had surviving legitimate children or descendants of legitimate children.

SEC. 3001. *Bastard; how made legitimate.*—If a man shall marry the mother of an illegitimate child, and acknowledge it as his own, such child shall be deemed legitimate.

SEC. 3002. *From illegitimate child to mother.*—The mother of an illegitimate child dying intestate, without issue or other descendants, shall inherit his estate; and if such mother be dead, her descendants or collateral kindred shall take the inheritance in the order hereinbefore prescribed.

SEC. 3678 h. *Maternity hospitals—Name of child.*— \* \* \*. The surname of the child, if illegitimate, shall be that of the mother. \* \* \*.

SEC. 3678 j. *Expenses collectible from county.*—The necessary expenses of the confinement of the mother of an illegitimate child and the care of the

**Maternity hospitals and maintenance** child in any maternity hospital, as defined in section 2 of this act, or other place designated for the care of such child by the board of State charities, shall, unless paid within four months after such confinement, be a charge upon and collectible from the county in this State in which such woman had legal settlement immediately before entering such maternity hospital, and shall be paid by the proper officials of such county upon due proof thereof, to the person or institution entitled to reimbursement or the board of State charities; and an illegitimate child which becomes a public charge shall immediately be taken, by a person authorized by the board of State charities, at such time as said board shall deem advisable, to the county in which the mother had legal settlement at the time such child became a public ward, and shall thereafter continue to be a charge upon such county until otherwise provided for. The expenses incurred in taking such child to said county shall be paid by said county. The expenses collectible from the county for the mother of an illegitimate child during her confinement shall be one dollar (\$1.00) per diem, and the expenses collectible from the county for an illegitimate child shall be thirty-five (35) cents per diem for the maintenance, and traveling expenses in addition thereto. In case it is impossible to establish the legal settlement of any child or the mother thereof it shall become a ward of the county in which it was born: *Provided*, That nothing herein shall be construed to dispense with the necessity of making any child a public ward by the juvenile court having

jurisdiction or the judge thereof in vacation, but the presence of such child before said court or judge shall not be necessary in case the infant be of tender years.

SEC. 8377. *Marriage to escape bastardy prosecution—Abandonment penalty.*—That any male person who being at the time under or liable to a prosecution, either civil or criminal, for seduction or bastardy, fraudulently enters into a marriage with the female who has been seduced or who is the mother of the bastard child, with the intent thereby to escape or avoid such prosecution or the consequences thereof, and who within two years after such marriage, without just cause, shall abandon his wife, or who shall, within such time, cruelly and inhumanly mistreat such wife, or fail and neglect to make reasonable provision for her support, shall be liable to an action for the recovery of a penalty which shall in no case be less than \$200.

SEC. 8378. *Action for penalty.*—Such action shall be instituted in the name of the State of Indiana on the relation of the wife, but such wife shall not be liable for the costs of the action, as are relators in other cases, except that she have property of a value exceeding \$600.

SEC. 8379. *Limitation of action.*—No action under the provisions of this act shall be instituted after three years from the time of the marriage.

SEC. 8380. *Jurisdiction of action—Practice.*—The action may be commenced before any justice of the peace or in any circuit court of the State (where the defendant may be at the time such action is commenced) and the process shall be a warrant, and the practice in such cases as to the execution of the bond, examination by the justice, commitment of the defendant for failure to give bond, trial, judgment, commitment for nonpayment or failure to secure the judgment rendered in the circuit court, execution and as to all other matters shall be governed by the laws now in force governing prosecutions for bastardy: *Provided*, That if the defendant fail to pay or replevy said judgment, and in default thereof be committed to jail, and upon proof thereof being made to the court, that the defendant has been imprisoned in the jail of the county for one year and that he is unable to pay or replevy the judgment, he may be released from imprisonment by an order of the court, if the judge is of the opinion that the defendant has been sufficiently punished, which order of release shall be entered upon the records of said court.

SEC. 9745. *Legal settlement; how acquired or lost.*—Legal settlement may be acquired in any township or county so as to oblige such township or county to relieve and support the person acquiring such settlement, in case he is poor and in need of relief, as follows:

3. Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she then had any within the State; but neither legitimate nor illegitimate children shall gain a settlement by birth in the place where they were born unless their parent or parents had a settlement therein at the time.

NOTE ON WORKMEN'S COMPENSATION ACT.—The word "child" includes acknowledged illegitimate children. (Laws 1915, ch. 106, sec. 38.)

## IOWA.

Code, 1897; Supplements 1913-1915.

SECTION 2216. *Who liable to maintain.*—The father, mother and children of any poor person, who is unable to maintain himself or herself by labor, shall jointly or severally relieve or maintain such person in such manner as, upon application to the township trustees of the township where such person has a residence or may be, they may direct.

SEC. 2224. *Settlement; how acquired.*—A legal settlement once acquired continues until lost by acquiring a new one, and may be acquired as follows:  
5. Illegitimate minor children follow and have the settlement of their mother, or, if she has none, then that of their putative father.

SEC. 2250. *Illegitimates.*—The word "father" in this chapter includes the putative father of an illegitimate child, and the question of parentage may be tried in any proceeding to recover for or compel the support of such a child, and like proceedings may be prosecuted against the mother independently of or jointly with the alleged father.

SEC. 3150. *Issue legitimated.*—Illegitimate children become legitimate by the subsequent marriage of their parents.

SEC. 3185. *Children—Legitimacy.*—When a marriage is annulled on account of the consanguinity or affinity of the parties, the issue shall be illegitimate; if because of the impotency of the husband, any issue of the wife shall be illegitimate; but when on account of nonage, insanity or idiocy, the issue will be legitimate as to the party capable of contracting the marriage.

SEC. 3186. *Prior marriage.*—When a marriage is annulled on account of a prior marriage and the parties contracted the second marriage in good faith, believing the prior husband or wife to be dead, that fact shall be stated in the decree of nullity, and the issue of the second marriage begotten before the decree of the court will be the legitimate issue of the parent capable of contracting.

SEC. 3384. *Illegitimate children; inherit from mother.*—Illegitimate children inherit from their mother, and she from them.

SEC. 3385. *From father.*—They shall inherit from the father when the paternity is proven during his life, or they have been recognized by him as his children; but such recognition must have been general and notorious, or else in writing. Under such circumstances, if the recognition has been mutual, the father may inherit from his illegitimate children.

SEC. 5629. *Complaint.*—When any woman residing in any county of the State is delivered of an illegitimate child, or is pregnant with a child which, if born alive, will be illegitimate, complaint may be made in writing by any person to the district court of the county where she resides, stating that fact, and charging the proper person with being the father thereof. The proceedings shall be entitled in the name of the State against the accused as defendant.

SEC. 5630. *Notice.*—Upon the filing of the complaint, the clerk shall cause notice to be given to the person so charged as in an ordinary action.

SEC. 5631. *Lien created.*—From the time of the filing of such complaint, a lien shall be created upon the real property of the accused in the county where the action is pending for the payment of any money and the performance of any order adjudged by the proper court.

SEC. 5632. *Attachment.*—If the complaint is verified, the district judge may order an attachment to issue thereon without bond, which order shall specify the amount of property to be seized thereunder, and may be revoked at any time by such judge or the district court, on a showing made to either for a revocation of the same, and on such terms as such court or judge may deem proper in the premises.

SEC. 5633. *County attorney to prosecute.*—The county attorney, on being notified of the facts justifying a complaint as provided in this chapter, or of the filing of such complaint, shall prosecute the matter in behalf of the complainant.

SEC. 5634. *Issue; how tried.*—The issue on the trial shall be "guilty" or "not guilty," and shall be tried as an ordinary action.

SEC. 5635. *Judgment and execution.*—If the accused be found guilty, he shall be charged with the maintenance of the child in such sum or sums, and in such manner, as the court shall direct, and with the costs of the action; and the clerk may immediately issue execution for any sum ordered to be paid, and afterward, from time to time, as it shall be required to compel compliance with the order of the court.

SEC. 5636. *Change of order.*—The court may at any time increase or diminish such sums, or vacate any order or judgment rendered in the proceeding herein contemplated, on such notice to the defendant as the court or judge may prescribe.

NOTE ON ADOPTION LAW.—The adoption act requires, if the parents are unmarried, the consent of the parent lawfully having the care and providing for the wants of the child. (Sec. 3251.)

NOTE ON CHILDREN'S HOMES.—Children may be surrendered to such society by the mother alone, if the child is illegitimate and in her care and custody. (Sec. 3260c, Supp. 1913.)

NOTE ON BIRTH REGISTRATION.—Birth certificate on United States Census Bureau standard form. (Laws 1917, ch. 326, sec. 6.)

## KANSAS.

General Statutes, 1915.

SECTION 3844. *Illegitimate children inherit; how.*—Illegitimate children inherit from the mother, and the mother from the children.

SEC. 3845. *Inherit from father; when.*—They shall also inherit from the father whenever they have been recognized by him as his children; but such recognition must have been general and notorious, or else in writing.

SEC. 3846. *Father may inherit.*—Under such circumstances, if the recognition of relationship has been mutual the father may inherit from his illegitimate children.

SEC. 3847. *Inheritance from illegitimate child; mother and heirs take preference.*—In thus inheriting from an illegitimate child, the mother and her heirs take preference of the father and his heirs.

SEC. 5117. *Father arrested.*—When any unmarried woman who has been delivered of or is pregnant with a bastard child shall make a complaint thereof in writing under oath, before any justice of the peace, charging any person with being the father of such child, such justice shall by his warrant cause such person to be arrested and brought before him.

SEC. 5118. *Justice to hear complaint.*—Upon the arrest of such person, such justice shall proceed to hear such complaint.

SEC. 5119. *Prosecution—Evidence.*—The prosecution shall be in the name of the State of Kansas, on the relation of the prosecuting witness; but the rules of evidence and the competency of witnesses shall be the same as in civil cases.

SEC. 5120. *Testimony of mother.*—The testimony of the mother shall be by such justice reduced to writing, read carefully to her, and by her be signed, and shall by such justice be returned to the district court with the other papers in such case. The failure of the justice so to do shall not be ground of dismissal in the district court, but such justice shall recover no fees in such case.

SEC. 5121. *When defendant adjudged father, he shall enter into recognizance to appear.*—If the justice on the hearing adjudge the defendant to be the father of such child, he shall require him to enter into a recognizance in a sum not less than two hundred nor more than one thousand dollars, with sufficient sureties, payable to the State of Kansas, and conditioned that he will appear at the next term of the district court of such county to answer such complaint and not depart without leave, and abide the judgment and orders of such court; and if the defendant fail to enter into such recognizance, the justice shall commit him to jail until he be discharged by due course of law.

SEC. 5122. *Transmission of papers to district court.*—After such hearing the justice shall transmit any recognizance in such case, together with a transcript of his proceedings and the other papers in the cause, without delay, to the clerk of the district court of the proper county.

SEC. 5123. *Discharge.*—Any person committed to jail for failure to give such recognizance may be discharged from custody by entering into such recognizance, with sufficient sureties, at any time after his commitment; such recognizance to be taken and approved by the justice before whom such proceeding was had.

SEC. 5124. *Trial and proceedings as in civil actions.*—The trial and proceedings of such prosecution, both before the justice and in the district court, shall in all respects not herein otherwise provided for be governed by the law regulating civil actions.

SEC. 5125. *Continuance.*—Upon any continuance granted either party, the court or justice granting the same shall require the defendant to enter into recognizance for his appearance at the time to which the cause may be continued, and in default of such recognizance, shall commit him to jail until he shall give such recognizance, or be discharged by due course of law.

SEC. 5126. *Death of mother.*—The death of the mother shall not abate such prosecution if the child is living; but a suggestion of record of the fact shall be made, and the name of the child substituted in the proceedings for that of the mother, and a guardian for the suit shall be appointed for that purpose, who shall not be liable for costs; and in such case the testimony of the mother taken in writing before the justice may be read in evidence, and shall have the same force as if she were living and had testified to the same in court.

SEC. 5127. *Trial.*—If the defendant in the district court deny the charge, the issue shall be tried by the court or a jury.

SEC. 5128. *Father charged with maintenance and education.*—If the court or jury find that the defendant is the father of such child, or such defendant in court shall confess the same, he shall be adjudged the father of such child, and stand charged with the maintenance and education thereof.

SEC. 5129. *Judgment.*—Such court shall, on such finding or confession, render such judgment and make such order as may seem just for securing the maintenance and education to such child, by the annual payment to the mother, or if she be dead or an improper person to receive the same, to such other person as the court may direct, and of such sum or sums of money as the court may order, payable at such time or times as may be adjudged proper. The judgment shall specify the terms of payment, and shall require of such defendant, if he be in custody, to secure the payment of such judgment by good and sufficient sureties; or, in default thereof, he shall be committed to jail until such security is given.

SEC. 5130. *Imprisonment of father.*—No person adjudged to be the father of a bastard child shall be imprisoned for any failure to comply with any order, direction or judgment of the court or justice, for a term exceeding one year.

SEC. 5131. *Execution.*—Execution may issue on such judgment whenever any amount is due on the same, and shall be executed as in other cases.

SEC. 5132. *Dismissal of suit*.—The prosecuting witness may, at any time before final judgment, dismiss such suit, if she shall enter of record an admission that provision for the maintenance of the child has been made to her satisfaction; such entry shall be a bar to all other prosecutions for the same cause and purpose.

SEC. 5133. *Limitation*.—No prosecution under this act shall be instituted after two years from the birth of such bastard child.

SEC. 5134. *Reduction in payment upon death of child*.—Upon the death of any bastard child, after judgment rendered as aforesaid, and before the expiration of the time limited for the last payment on such judgment, the court rendering such judgment may make such reduction in the amount of the same as may be rendered proper and just in consequence of such death.

SEC. 5135. *Death of child*.—The death of a bastard child shall not be cause of abatement or bar to any prosecution for bastardy; but the court trying the same shall on conviction give judgment for such sum as shall be deemed just.

SEC. 5136. *Prosecution*.—The several county attorneys within their respective counties shall prosecute all causes originating under this act.

SEC. 5137. *Survival of action*.—In case of the death of the putative father of such child, after the preliminary examination before the justice, the right of action shall survive and may be prosecuted against the personal representatives of the deceased, with like effect as if such father were living, except that no arrest of such personal representatives shall take place, or recognizance be required of them.

SEC. 5138. *Repeal*.—That an act entitled "An act for the maintenance and support of illegitimate children," approved February 10, 1859, and all acts amendatory and supplemental thereto, be and the same are hereby repealed.

SEC. 6135. *Persons between whom marriages declared incestuous and void*.—All marriages between parents and children, including grandparents and grandchildren of any degree, between brothers and sisters of the one-half as well as the whole blood, incestuous marriages, and between uncles and nieces, aunts and nephews, and first cousins, are declared to be incestuous and absolutely void. This action shall extend to illegitimate as well as legitimate children and relations.

SEC. 7585. *Marriage by incapables may be annulled*.—When either of the parties to a marriage shall be incapable, from want of age or understanding, of contracting such marriage, the same may be declared void by the district court, in an action brought by the incapable party; but the children of such a marriage, begotten before the same is annulled, shall be legitimate. Cohabitation after such incapacity ceases shall be sufficient defense to any such action.

SEC. 6821. *Relief of the poor—Settlements*.—Legal settlements may be acquired in any county so as to oblige such county to relieve and support the persons acquiring such settlement, in case they are poor and stand in need of relief, as follows:

Third. Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she then have any within the State; but neither legitimate nor illegitimate children shall gain a settlement by birth in the place where they were born, unless their parent or parents had a settlement therein at the time.

## KENTUCKY.

Statutes 1915.

SECTION 166. *Who deemed bastards*.—Every child shall be deemed a bastard who shall be begotten and born out of lawful wedlock; and in cases where a woman shall have been divorced from her husband on the ground of her being pregnant by another man at the time of her intermarriage, and having concealed her pregnancy from her husband, the child of which she was thus pregnant shall be deemed a bastard for all purposes whatever.

SEC. 167. *Charge of bastardy: how made—Duty of clerk*.—Any unmarried woman may go before the clerk of the county court of the county wherein she has been delivered of a bastard child, or of the county of her residence, if she was delivered thereof in another State, and accuse any person of being the father of the child. The clerk shall examine the mother of such bastard child, under oath, concerning her residence, and her marriage or single condition when the child was begotten; where and when she was delivered of such child; and if she was delivered of the child out of this Commonwealth, of the reason thereof, and reduce her statement to writing, and sign the same as clerk. If, however, the clerk fail to reduce the statement to writing, or if it should be lost, such failure or loss shall be no cause for dismissing the warrant.

SEC. 168. *Warrant: usual by clerk—Arrest and bond for appearance*.—On such examination, if the child appear to be less than three years old, a warrant shall be issued by the clerk, directed to the sheriff or any constable, requiring the person accused

to be arrested and brought before the county judge of the county wherein he may be found, who shall require him to enter into bond, with good security, in a sum to be fixed by such judge, not exceeding two thousand five hundred dollars, for his appearance in the county court of the county in which the warrant issued, on the first day of the next term thereof, and to perform the judgment of said court.

SEC. 169. *Commitment to jail upon failure to give bond.*—If the person accused shall fail to give the bond required of him, the judge shall forthwith commit him to the jail of the county whence the warrant issued, there to remain until he enter into the required bond, or otherwise be discharged by due process of law.

SEC. 170. *Proceedings—Continuance—Nonappearance—Forfeiture of bond.*—Should the case be continued at any term of the court, the bond may also be continued by the consent, in open court, of the accused and his sureties, or a new bond given; or, on the failure of the accused to give bond, he shall be committed to jail, there to remain until such bond is given, or the cause is tried. But should the accused fail to appear, as required by his bond, and remain to respond to and satisfy any judgment that may be rendered against him, the bond for his appearance as aforesaid shall be forfeited, and judgment rendered thereon; but, if, after judgment is rendered against the surety or sureties, such surety or sureties, or one of them, shall enter into bond, with good security, to be approved by the court, conditioned to pay such sums as may be adjudged against the accused, in such installments as the court may direct, as hereinafter provided, then in that case the court shall set aside the judgment upon the forfeiture, the costs, including fifteen per centum upon the amount of the bond to the county attorney, having been first paid by such surety or sureties.

SEC. 171. *Trial to proceed in absence of accused.*—If the accused shall fail to appear, the trial of, or other proceedings in the cause, shall, nevertheless, proceed as though he were present; and the court shall, upon the verdict of the jury, make all such orders as it shall deem proper, precisely as though the accused were in court, or make all such orders as it shall deem proper to carry out the provisions of the preceding section, should the surety or sureties, or either of them, avail himself or themselves of the provisions thereof.

SEC. 172. *Evidence—Child born in another State no cause for dismissal.*—On the trial of the cause, the mother of the child, unless she is otherwise incompetent, may be a witness for all purposes; and if the party accused desire it, unless he is otherwise incompetent, he shall be examined on oath. Other evidence may be adduced by either party. That the child was delivered in another State shall be no cause for dismissing the warrant, if the mother be a bona fide resident of this Commonwealth at the time the child was begotten or born.

SEC. 173. *Verdict for accused—Effort—New trial.*—If the finding of the jury shall be in favor of the accused, he shall be discharged, unless there be a motion for a new trial, in which case, he shall be held until such motion be disposed of; and if a new trial is granted, the same course shall be pursued toward the accused as in case of continuance.

SEC. 174. *Judgment against accused—Payment in installments—Forfeiture of bond.*—If the finding of the jury be against the accused, they shall find what sum he shall pay per year, and for what number of years; and the court, in rendering judgment thereon, shall make an order for the annual payment in such installments (monthly, quarterly, or half-yearly) as shall seem best, and shall also make such order for the keeping, maintenance and education of the child as may be proper; and in case of forfeiture and judgment thereon, should the surety or sureties, or either of them, fail or refuse to avail himself or themselves of the provisions hereof, the money collected upon the judgment upon the forfeiture, after payment of the costs and fifteen per cent to the county attorney, shall be applied in payment of the judgment against the accused; and if any balance remains after the payment of said judgment, it shall be paid to the custodian of the public money.

SEC. 175. *Proceedings after verdict where accused has not given bond—Insolvent debtor.*—The accused who has failed to execute bond before judgment, if he shall be adjudged to be the father of the child, shall thereupon enter into bond with good security, to be approved by the court, conditioned for the payment of the sums adjudged, in such installments as the court shall direct. In case of his failure to enter into such bond, the court shall commit him to jail, there to remain until he shall give such bond, pay the money, or be discharged as an insolvent debtor, having first given to the county attorney ten days' notice of his intended application for such discharge.

SEC. 176. *Bond; how enforced—Effect of death of child.*—If the bond required be given, the payment of the installments therein set forth may be enforced by rule and attachment, or by execution, which may issue upon said bond as executions issued upon replevin bonds. If the child shall die before the expiration of aforesaid bond, the person adjudged to be the father of the child shall, by order of the court, be discharged therefrom, upon payment by himself or sureties of the amount owing upon the same at the date of the death of the child.

SEC. 177. *Appeal—Liability of sureties in bond.*—If the adjudged father shall appeal, with a supersedeas, to the court of appeals from the decision of the circuit court, and the decision shall be affirmed, the sureties in the appeal or supersedeas bond shall be liable for all the father had been adjudged to pay, and also the costs and ten per centum damages on the appeal, and the Attorney General shall defend said appeal without fee.

SEC. 178. *Costs—Fee of county attorney.*—If the jury shall find against the person accused, he shall be adjudged to pay costs; and the court shall allow to the county attorney, if he prosecute, a fee, which shall be taxed as part of the costs.

SEC. 179. *Bonds; form of.*—The following shall be the form of the bonds mentioned in this chapter, which may be varied to suit each case: "....., being in custody on a charge of bastardy, we (or I, as the case may be) agree that he shall appear in the ..... county court on the first day of its next term, and surrender himself in custody, and not depart until he has performed the orders and judgments of said court made in the prosecution of said charge; and if he fails in any of these things, we will pay to the Commonwealth of Kentucky ..... dollars. This .... day of ....., 18.... Attested: ....., county judge.

"We, ....., principal, and ....., surety, undertake that we will pay to the Commonwealth of Kentucky such sums as may hereafter be adjudged against ....., now standing charged in the county court of ....., with being the father of a bastard child, of which ..... is the mother, in such installments as the court may hereafter direct. Attest: ....., county clerk."

SEC. 180. *Bond; defective in form or substance.*—No person shall be released from liability on any bond provided for in this chapter for defects in the form or substance of it, if it can be ascertained from it that such person intended to bind himself to perform, or that any other person shall perform, any act under the law in regard to bastardy.

SEC. 181. *Mother deaf and dumb or unable to speak English—Duty of court and officers.*—If any woman, the mother of a bastard child, who may be deaf and dumb, or who may be unable to speak the English language intelligibly, shall desire to avail herself of the benefits of this chapter, in favor of herself and her bastard child, it shall be the duty of the clerk to whom she may apply to procure the services of a discreet and competent person to act as interpreter, one who is able to understand what the applicant shall desire to communicate, by comprehending her signs, tokens, characters, or her language; and having first administered to such interpreter an oath faithfully to discharge his or her duty as such, shall proceed to learn the facts which, by this chapter, he is required to ascertain. He shall thereupon proceed, in all respects, in the same manner as is directed in this chapter in regard to bastardy cases. Upon the hearing in the county court, an interpreter may be called and used as a witness, as in other cases in which that method of obtaining testimony is or may be resorted to as authorized by law.

SEC. 1220. *Concealing birth or destroying bastard child.*—If any woman be delivered of any issue of her body, which, being born alive, would be a bastard, shall endeavor privately, by drowning or secretly burying the same, or in any other way, directly or indirectly, to conceal the birth thereof, so that it may not be known whether it was born alive or not, she shall be confined in the penitentiary not less than one nor more than five years.

SEC. 1397. *Bastards; descent of estate of; inheritance by.*—The estate of bastards shall descend and be distributed in the same manner as that of persons born in lawful wedlock; except that the inheritance shall go to the mother and her kindred; and bastards shall be capable of inheriting from their mother and their mother's kindred in the same manner.

SEC. 1398. *Children born before marriage; when legitimate.*—If a man having had a child by a woman shall afterwards marry her, such child or its descendants, if recognized by him before or after marriage, shall be deemed legitimate.

SEC. 2098. *Children of illegal or void marriage legitimate—Exceptions.*—The issue of an illegal or void marriage shall be legitimate, except that the issue of an incestuous marriage, found such by the conviction or judgment of a court, in the lifetime of the parties, or of a marriage between a white person and a negro or mulatto, shall not be legitimate; and where one of the parties is an idiot or lunatic, the issue shall be legitimate as to both.

SEC. 2099. *Children of bigamous marriage legitimate; when.*—Where the marriage is contracted in good faith, and with the belief of the parties that a former husband or wife then living was dead, the issue of such marriage, born or begotten before notice of the mistake, shall be the legitimate issue of both parents.



**NOTE ON MARRIAGES OF FORMER SLAVES.**—Marital cohabitation of colored persons prior to emancipation legitimizes issue. (Secs. 1399a, 1399b.)

**NOTE ON INCESTUOUS MARRIAGES.**—The law applies to illegitimate children and relatives. (Sec. 2096.)

**NOTE ON BIRTH REGISTRATION.**—Birth certificate on United States Census Bureau standard form. (Sec. 2062a.14.)

**NOTE ON WORKMEN'S COMPENSATION.**—"Child" includes recognized illegitimate children. (Laws 1916, ch. 33, sec. 14.)

## LOUISIANA.

Merrick's Revised Civil Code, 1912.

**ARTICLE 27.** Legitimate children are those who are born of a marriage lawfully contracted; and illegitimate children are such as are born from an illicit union.

**ART. 180. *Illegitimate children.***—Illegitimate children are those who are born out of marriage.

Illegitimate children may be legitimated in certain cases in the manner prescribed by law.

**ART. 181.** There are two sorts of illegitimate children:

Those who are born from two persons who, at the moment when such children were conceived, might have legally contracted marriage with each other; and those who are born from persons to whose marriage there existed at the time some legal impediment.

**ART. 182. *Adulterous bastards.***—Adulterous bastards are those produced by an unlawful connection between two persons who, at the time when the child was conceived, were, either of them or both, connected by marriage with some other person.

**ART. 183. *Incestuous bastards.***—Incestuous bastards are those who are produced by the illegal connection of two persons who are relations within the degrees prohibited by law.

**NOTE ON PROHIBITED DEGREES IN MARRIAGE.**—Law applies to illegitimate children and relatives. (Civil Code, arts. 94, 95.)

**ART. 184.** The law considers the husband of the mother as the father of all children conceived during the marriage.

**Presumption and proof of legitimacy.** **ART. 185.** The husband can not, by alleging his natural impotence, disown the child; he can not disown it even for cause of adultery, unless its birth has been concealed from him, in which case he will be permitted to prove that he is not its father.

**ART. 186.** The child capable of living, which is born before the one hundred and eightieth day after the marriage, is not presumed to be the child of the husband; every child born alive more than six months after conception is presumed to be capable of living.

**ART. 187.** The same rule applies with respect to the child born three hundred days after the dissolution of the marriage, or after the sentence of separation from bed and board.

**ART. 188.** The legitimacy of the child born three hundred days after the separation from bed and board has been decreed may be contested, unless it be proved that there had been cohabitation between the husband and wife since such decree, because it is always presumed that the parties have obeyed the sentence of separation.

But in case of voluntary separation, cohabitation is always presumed, unless the contrary be proved.

**ART. 189.** The presumption of paternity as an incident to the marriage is also at an end, when the remoteness of the husband from the wife has been such that cohabitation has been physically impossible.

**ART. 190.** The husband can not contest the legitimacy of the child born previous to the one hundred and eightieth day of marriage, in the following cases:

1. If he was acquainted with the circumstances of his wife being pregnant previously to the marriage.

2. If he was present at the registering of the birth or baptism of the child and signed the same, or if not knowing how to sign, he put his ordinary mark to it in the presence of two witnesses.

**ART. 191.** In all the cases above enumerated, where the presumption of paternity ceases, the father, if he intends to dispute the legitimacy of the child, must do it within one month, if he be in the place where the child is born, or within two months after his return, if he be absent at that time, or within two months after the discovery of the fraud, if the birth of the child was concealed from him, or he shall be barred from making an objection to the legitimacy of such child.

ART. 192. If the husband die without having made such objection, but before the expiration of the time directed by law, two months shall be granted to his heirs to contest the legitimacy of the child, to be counted from the time when the said child has taken possession of the estate of the husband, or when the heirs shall have been disturbed by the child in their possession thereof.

ART. 193. The filiation of legitimate children may be proved by a transcript from the register of birth or baptism, kept agreeably to law or to the usages of the country.

ART. 194. If the register of births and baptisms is lost, or if no such register has been kept, it suffices for the child to show that he has been constantly considered as a child born during marriage.

ART. 195. The being considered in this capacity is proved by a sufficient collection of facts demonstrating the connection of filiation and paternity which exists between an individual and the family to which he belongs.

The most material of these facts are:

That such individual has always been called by the surname of the father from whom he pretends to be born;

That the father treated him as his child, and that he provided as such for his education, maintenance, and settlement in life;

That he has constantly been acknowledged as such in the world;

That he has been acknowledged as such within the family.

ART. 196. If there be neither register of birth nor baptism, nor this general reputation, or if the child has been registered under a false name, or as born of unknown parents, also if the child has been exposed or abandoned, or if his condition has been suppressed, the proof of his legitimate filiation may be made either by written or oral evidence.

ART. 197. Proof against the legitimate filiation may be made by evidence that the plaintiff is not the child of the mother whom he pretends to be his, and the maternity being proved, that he is not the child of the husband of the mother.

ART. 198. *Subsequent marriage.*—Children born out of marriage, except those who are born from an incestuous or adulterous connection, may be legitimated by the subsequent marriage of their father and mother, whenever the latter have legally acknowledged them for their children, either before their marriage by an act passed before a notary and two witnesses, or by their contract of marriage itself.

#### Legitimation.

ART. 199. *Rights of legitimated children.*—Children legitimated by a subsequent marriage have the same rights as if they were born during marriage.

ART. 200. *Notarial acknowledgment.*—A natural father or mother shall have the power to legitimate his or her natural children by an act passed before a notary and two witnesses, declaring that it is the intention of the parent making the declaration to legitimate such child or children. But only those natural children can be legitimated who are the offspring of parents who, at the time of conception, could have contracted marriage. Nor can a parent legitimate his or her natural offspring in the manner prescribed in this article, when there exists on the part of such parents legitimate ascendants or descendants.

ART. 201. *Legitimation of deceased child.*—Legitimation may even be extended to deceased children who have left issue, and in that case it inures to the benefit of such issue.

ART. 202. *Natural children—Bastards.*—Illegitimate children who have been acknowledged by their father are called natural children; those who have not been acknowledged by their father or whose father and mother were incapable of contracting marriage at the time of conception, or whose father is unknown, are contradistinguished by the appellation of bastards.

ART. 203. *The acknowledgment.*—The acknowledgment of an illegitimate child shall be made by a declaration executed before a notary public, in presence of two witnesses, by the father and mother, or either of them, whenever it shall not have been made in the registering of the birth or baptism of such child.

ART. 204. *Bastards.*—Such acknowledgment shall not be made in favor of children whose parents were incapable of contracting marriage at the time of conception.

ART. 205. *Father's acknowledgment.*—The acknowledgment made by the father without the concurrence or consent of the mother, shall have effect only with respect to the father.

ART. 206. *Rights of natural children.*—Illegitimate children, though duly acknowledged, can not claim the rights of legitimate children. The rights of natural children are regulated under the title: Of Successions.

ART. 207. *Id.; contestation of.*—Every claim set up by natural children may be contested by those who have any interest therein.

ART. 208. *Proof of paternity allowed.*—Illegitimate children who have not been legally acknowledged may be allowed to prove their paternal **Proof of paternity.** descent.

ART. 209. *Id.; how made.*—In the case where the proof of paternal descent is authorized by the preceding article, the proof may be made in either of the following ways:

1. By all kinds of private writings in which the father may have acknowledged the bastard as his child, or may have called him so.

2. When the father, either in public or in private, has acknowledged him as his child, or has called him so in conversation, or has caused him to be educated as such.

3. When the mother of the child was known as living in a state of concubinage with the father, and resided as such in his house at the time when the child was conceived.

ART. 210. *Id.—The oath of the mother.*—The oath of the mother, supported by proof of the cohabitation of the reputed father with her out of his house, is not sufficient to establish natural paternal descent, if the mother be known as a woman of dissolute manners, or as having had an unlawful connection with one or more men (other than the man whom she declares to be the father of the child), either before or since the birth of the child.

ART. 211. *Id.; in case of rape.*—In case of rape, whenever the time of such rape shall agree with the time of conception, the ravisher may, at the suit of the parties concerned, be declared to be the father of the child.

ART. 212. *Proof of maternity.*—Illegitimate children of every description may make **Proof of maternity.** proof of their maternal descent, provided the mother be not a married woman.

But the child who will make such proof shall be bound to show that he is identically the same person as the child whom the mother brought forth.

ART. 213. The foundling, whom persons from charity have received and brought up, can not be claimed by its father and mother, unless they prove **Custody of found- ing.** that the child was taken from them by force, fraud or accident.

No other relation can claim a foundling without having first obtained the tutorship of the foundling and given security in a sum sufficient for the reimbursement of the expenses which it has incurred.

ART. 214. Any person may adopt another as his child, except those illegitimate children whom the law prohibits him from acknowledging. **Adoption.** \* \* \*

ART. 238. *Illegitimate children.*—Illegitimate children, generally speaking, belong to no family, and have no relations; accordingly they are not submitted to the paternal authority, even when they have been legally acknowledged.

ART. 239. *Reciprocal duties of parents and illegitimate children.*—Nevertheless nature and humanity establish certain reciprocal duties between fathers and mothers and their illegitimate children. **Reciprocal duties between illegitimate children and their parents; support.**

ART. 240. *Id.—Alimony to illegitimate children.*—Fathers and mothers owe alimony to their illegitimate children when they are in need.

Illegitimate children owe likewise alimony to their father and mother, if they are in need and if they themselves have the means of providing it.

ART. 241. *Id.—Alimony.*—Illegitimate children have a right to claim this alimony, not only from their father and mother, but even from their heirs after their death.

ART. 242. *Alimony when demanded.*—But in order that they may have a right to sue for this alimony, they must:

1. Have been legally acknowledged by both their father and mother, or by either of them from whom they claim alimony; or they must have been declared to be their children by a judgment duly pronounced, in cases in which they may be admitted to prove their paternal or maternal descent;

2. They must prove in a satisfactory manner that they stand absolutely in need of such alimony for their support.

ART. 243. *Id.—Alimony; when not due.*—The obligation of giving such alimony ceases when the illegitimate child is able to earn his subsistence by labor, or whenever his father or mother have caused him to be instructed in an art, trade or profession fit to procure him a sufficient livelihood, unless some continual sickness or infirmity prevents such child from working for his subsistence.

The debt of alimony ceases likewise to be due from the estate of the father or mother of the illegitimate child whenever either of them has provided during his or her life a sufficient maintenance for his or her illegitimate child, or have made to him donations or other advantages which may be sufficient for that purpose.

ART. 244. *Id.—Alimony; other rules as to.*—The other rules established respecting alimony to be granted to legitimate children take likewise with respect to illegitimate children, except so far as they may be contrary to the foregoing provisions.

ART. 245. *Alimony is due to bastards.*—Alimony is due to bastards, though they may be adulterous and incestuous, by the mother and her ascendants.

ART. 256. The mother is of right the tutrix of her natural child not acknowledged by the father, or acknowledged by him alone without her concurrence.  
Guardianship.

After the death of the mother, the father is of right the tutor of his natural child acknowledged by him alone.

The natural child acknowledged by both has for tutor, first the father, in default of him, the mother.

ART. 261. The father or mother who is entitled to the tutorship of the natural child, according to the provisions of article 256, can choose a tutor for him, whose appointment, to be valid, must be approved by the judge.

ART. 917. When the deceased has left neither lawful descendants, nor lawful ascendants, nor collateral relations, the law calls to his inheritance either the surviving husband or wife, or his or her natural children, or the State, in the manner and order hereafter directed.

ART. 918. Natural children are called to the legal succession of their natural mother, when they have been duly acknowledged by her, if she has left no lawful children or descendants, to the exclusion of her father and mother and other ascendants or collaterals of lawful kindred.

In case the natural mother has lawful children or descendants, the rights of the natural children are reduced to a moderate alimony, which is determined by the rules established in the title: Of Father and Child.

ART. 919. Natural children are called to the inheritance of their natural father, who has duly acknowledged them, when he has left no descendants nor ascendants, nor collateral relations, nor surviving wife, and to the exclusion only of the State.

In all other cases, they can only bring an action against their natural father or his heirs for alimony, the amount of which shall be determined, as is directed in the title: Of Father and Child.

ART. 920. Bastard, adulterous or incestuous children shall not enjoy the right of inheriting the estates of their natural father or mother, in any of the cases above mentioned, the law allowing them nothing more than a mere alimony.

ART. 921. The law does not grant any right of inheritance to natural children to the estate of the legitimate relations of their father or mother.

ART. 922. The estate of a natural child deceased without posterity, belongs to the father or mother who has acknowledged him, or in equal proportions to the father and mother, when he has been acknowledged by both of them.

ART. 923. If the father and mother of the natural child died before him, the estate of such natural child shall pass to his natural brothers and sisters, or to their descendants.

ART. 924. If a married man has left no lawful descendants nor ascendants, nor any collateral relations, but a surviving wife not separated from bed and board from him, the wife shall inherit from him to the exclusion of any natural child or children duly acknowledged.

If, on the contrary, it is the wife who died without leaving any lawful descendants, ascendants, or collateral relations, her surviving husband not separated from bed and board from her, shall not inherit from her, except in case she should leave no natural child or children by her duly acknowledged.

ART. 925. Children called to the succession of their natural father or mother, in the cases mentioned in the preceding articles, are permitted to take possession of the succession which has fallen to them only by the order of the judge of the parish in which the succession is opened.

ART. 926. If the succession be that of the natural mother deceased without legitimate children, the putting into possession of the natural children shall not be pronounced without calling the relations of the deceased, who would have inherited in default of the natural children, if they are present or represented in the State; or without appointing a person to defend them, if they are absent.

ART. 927. If the succession be that of the natural father, the natural children by him acknowledged can not be put into possession of the succession which they claim until a faithful inventory has been made of the same by a notary appointed for that purpose by the judge, in the presence of a person appointed to defend the interest of the absent heirs of the deceased, and on giving good and sufficient security, as is prescribed in the following article.

ART. 928. The security to be furnished by natural children put in possession of the effects of the succession of their father shall be two-thirds of the amount of the inventory made thereof; this security shall be given to insure the restitution of such portion of these effects, which they may be adjudged to restore, in case the legitimate heirs of the father should present themselves within three years from the putting into possession, after which time the security shall be discharged.

ART. 933. The surviving husband or wife and natural children, who shall fail to fulfill any of the formalities or obligations prescribed in the preceding articles, shall be liable to damages toward the heir, if any should be incurred.

ART. 949. Natural children and the surviving husband or wife before being put into possession of the estate left to them, are not considered as having succeeded to the deceased from the instant of his death; but they do not the less transmit their rights to their heirs, if they die before having made their demand to be put into possession. The reason is, that this sort of heirs having only a right of action to cause themselves to be put into possession of successions thus falling to them, this right and this action form a part of their succession, which they transmit to their heirs.

ART. 954. \* \* \*

And the child legitimated by a marriage posterior to its conception only takes those successions which are opened since the marriage of the father and mother.

ART. 1483. Natural children, or acknowledged illegitimate children can not receive from their natural parents, by donations inter vivos or mortis causa beyond what is strictly necessary to procure them sustenance, or an occupation or profession which may maintain them, whenever the father or the mother who has thus disposed in their favor, leaves legitimate children or descendants.

These donations shall be reducible in case of excess, according to the rules laid down under the title: Of Father and Child.

ART. 1484. When the natural mother has not left any legitimate children or descendants, natural children may acquire from her by donation inter vivos or mortis causa to the whole amount of her succession.

ART. 1485. But if she has left them only a part, and has disposed of the rest in favor of other persons, her natural children have no action against her heirs for anything more than so much as is wanting to supply the maintenance that is secured to them by law in case what she has left them be not sufficient for their support.

ART. 1486. When the natural father has not left legitimate children, or descendants, the natural child or children acknowledged by him may receive from him, by donations inter vivos or mortis causa, to the amount of the following proportions, to wit:

One-fourth of his property, if he leave legitimate ascendants or legitimate brothers or sisters or descendants from such brothers and sisters; and one-third if he leave only more remote collateral relations.

ART. 1487. In all cases in which the father disposes, in favor of his natural children, of the portion permitted him by law to dispose of, he is bound to dispose of the rest of his property in favor of his legitimate relations; every other disposition shall be null, except those which he may make in favor of some public institution.

ART. 1488. Natural fathers and mothers can, in no case, dispose of property in favor of their adulterine or incestuous children, unless to the mere amount of what is necessary to their sustenance, or to procure them an occupation or profession by which to support themselves.

ART. 3556. *Signification of words.*—8. Children.—Under this name are comprehended, not only the children of the first degree, but the grandchildren, great grandchildren, and all other descendants in the direct line.

Natural children, even though recognized, make no part of the children properly so called, unless they have been legitimated.

Marr's Annotated Revised Statutes of Louisiana, 1915.

Sec. 4142. That so much of the article two hundred and seventeen as abolishes all other modes of legitimation except that by marriage, be, and the same is hereby repealed, and that law seventh, title fifteenth, of the fourth Partidas, which was repealed by said article of the code, be and the same is hereby revived; and that natural fathers and mothers shall have power to legitimate their natural children, by acts declaratory of their intentions, made before a notary and two witnesses. Nothing herein contained shall be so construed as to prevent a white parent from legitimating a colored child, nor to prevent a person of color from legitimating his colored children: *Provided*, The natural children are the issue of

parents who might, at the time of conception, have contracted marriage: *And provided*, That there do not exist, on the part of the parent legitimating his natural offspring, ascendants or legitimate descendants.

Another way of legitimating natural children is, where a father declares by writing executed by his own hand, or which he causes to be executed by a notary public, and attested by three witnesses, that he acknowledges such a one for his son, designating him expressly by name. But in such acknowledgment the father ought not to say he is his natural son; for if he does the legitimation will have no effect. Likewise, where a man has several children by a concubine (*amiga*), and he acknowledges one of them only in writing, in the manner above mentioned; by such acknowledgment the other brothers and sisters will be legitimated, though no mention be made of them, so far as to enable them to inherit the estate of their father, as effectually as the one whose name is mentioned in the writing. And what we say in this and the preceding laws, is to be so understood that they who are therein mentioned as being legitimated, can inherit both the estates of their fathers and other relations.

SEC. 4143. Natural fathers and mothers shall have power to legitimize their natural children, by acts declaratory of their intentions, made before a notary public and two witnesses: *Provided*, That there existed at the time of the conception of such children, no other legal impediments to the intermarriage of their natural father and mother except those resulting from color or the institution of slavery.

SEC. 4453. All private or religious marriages contracted in this State, at any time previous to the passage of this act, shall be deemed valid and binding, and as having the same force and effect as if said marriages had been contracted with all the formalities and forms prescribed by the laws then existing: *Provided*, That at any time within two years from the date of this act the parties having contracted such private or religious marriages shall, by an authentic act before a duly commissioned notary public, if they reside in the State, or before a competent officer, if they reside in another State, or before a United States ambassador, *chargé d'affaires*, or consul or vice consul, if they reside in a foreign country, make a declaration of their marriage, the date on which it was contracted, the names, sex and ages of the children born of said marriages, acknowledging said children as their legitimate offspring, and in accepting the benefit of this act bind and obligate themselves to perform all the duties and to assume all the obligations imposed by existing laws in relation to civil marriages, and to abide by the same: *And provided*, That no marriage shall be ratified, nor the issue of such marriage legitimized by or according to the provisions of this act, when there existed, at the date of such private or religious marriage, or at any time since, any other legal impediment to the marriage of the parties to the private or religious marriage than that of race or color.

SEC. 4454. All marriages, duly legalized as aforesaid, shall have, from the date on which they were privately or religiously contracted, full force and effect as if they had been contracted with all the formalities and forms required by the then existing laws, and the children born of said marriages and acknowledged as aforesaid, shall have and enjoy all the rights and privileges granted by existing laws to legitimate children.

NOTE ON WORKMEN'S COMPENSATION LAW.—The law applies to acknowledged illegitimate children. (Laws 1914, no. 20, sec. 8-1 (f12), as amended by Laws 1916, no. 243.)

## MAINE.

Revised Statutes, 1916. Ch. 29.

**Residence and legitimation.**

SECTION 1. Settlements, subjecting towns to pay for the support of persons on account of their poverty or distress, are acquired as follows:

III. Children, legitimate or illegitimate, do not acquire a settlement by birth in the town where they are born. Illegitimate children have the settlement of their mother, at the time of their birth, but when the parents of such children born after March 24, 1864, intermarry, they are deemed legitimate and have the settlement of the father.

Ch. 65.

**Divorce.**

SEC. 13. A divorce does not bar the issue of the marriage from inheriting, or affect their rights.

SEC. 16. When a marriage is annulled on account of the consanguinity or affinity of the parties, the issue is illegitimate; but when on account of

**Void marriages.**

nonage, insanity or idiocy, the issue is the legitimate issue of the parent capable of contracting marriage.

SEC. 17. When a marriage is annulled on account of a prior marriage, and the parties contracted the second marriage in good faith, believing that a prior husband or wife was dead, that fact shall be stated in the decree of nullity; and the issue of such second marriage, begotten before the commencement of the suit, is the legitimate issue of the parent capable of contracting.

## Ch. 72.

SEC. 36. Before such petition is granted, written consent to such adoption must be given by the child, if of the age of fourteen years, and by each of his living parents, if not hopelessly insane or intemperate; or, when a divorce has been decreed to either parent, written consent by the parent entitled to the custody of the child; or such consent by one parent, when, after such notice to the other parent as the judge deems proper and practicable, such other parent is considered by the judge unfit to have the custody of the child. If there are no such parents, or if the parents have abandoned the child and ceased to provide for its support, consent may be given by the legal guardian; if no such guardian, then by the next of kin in the State; if no such kin, then by some person appointed by the judge to act in the proceedings as the next friend of such child; if an illegitimate child, and under the age of fourteen years, such consent may be given by the mother of such child.

## Ch. 80.

SEC. 3. An illegitimate child born after the twenty-fourth day of March, in the year of our Lord one thousand eight hundred and sixty-four, is the heir of his parents who intermarry. And any such child, born at any time, is the heir of his mother. And if the father of an illegitimate child adopts him or her into his family, or in writing acknowledges before some justice of the peace or notary public, that he is the father, such child is also the heir of his or her father. And in each case such child and its issue shall inherit from its parents respectively, and from their lineal and collateral kindred, and these from such child and its issue the same as if legitimate.

## Ch. 102.

SEC. 1. When a woman pregnant with a child, which, if born alive, may be a bastard, or who has been delivered of a bastard child, accuses any man of being the father thereof, before any justice of the peace, and requests a prosecution against him, such justice shall take her accusation and examination on oath, respecting the accused, and the time and place when and where the child was begotten, as correctly as they can be described, and such other circumstances as he deems useful in the discovery of the truth.

SEC. 2. He may issue his warrant for the apprehension of the accused, directed to the sheriff of any county in which the accused is supposed to reside, or to either of his deputies, or to a constable of any town in such county accompanied by such accusation and examination.

SEC. 3. When the accused is brought before such or any other justice, he may be required to give bond to the complainant, with sufficient sureties, in such reasonable sum as the justice orders, conditioned for his appearance at the next term of the supreme judicial or superior court for the county in which she resides, and for his abiding the order of the court thereon; and if he does not give it, he shall be committed to jail until he does. The cost of commitment and board of the accused while so in jail shall be paid by the county in which said jail is situated. If he gives the required bond after said commitment, he shall be liberated upon the payment of cost of commitment and board.

SEC. 4. If at such next or any subsequent term, the complainant is not delivered of her child, or is unable to attend court, or shows other good reason, the cause may be continued; and the bond shall remain in force until final judgment, unless the sureties of the accused surrender him in court at any time before final judgment, which they may do, and thereupon they shall be discharged; and he shall be committed until a new bond is given.

SEC. 5. Before proceeding to trial, the complainant must file a declaration, stating that she has been delivered of a bastard child begotten by the accused, and the time and place when and where it was begotten, with as much precision as the case admits; and that being put on the discovery of the truth during the time of her travail, she accused the respondent of being the father of her child, and that she has been constant in such accusation.

SEC. 6. When the complainant has made said accusation; been examined on oath as aforesaid; been put upon the discovery of the truth of such accusation at the time of her travail, and thereupon has accused the same man with being the father of the child of which she is about to be delivered; has continued constant in such accusation, and prosecutes him as the father of such child before such court; he shall be held to answer to such complaint; and she may be a witness in the trial.

SEC. 7. If, on such issue, the jury finds the respondent not guilty, he shall be discharged; but if they find him guilty, or the facts in the declaration filed are admitted by default or on demurrer, he shall be adjudged the father of said child; stand charged with its maintenance, with the assistance of the mother, as the court orders; and shall be ordered to pay the complainant her costs of suit and for the expense of her delivery, and of her nursing, medicine and medical attendance, during the period of her sickness and convalescence, and of the support of such child to the date of rendition of judgment; and shall give a bond, with sufficient sureties approved by the court, or by the clerk of said court, in term time, or in vacation, to the complainant to perform said order, and a bond, with sufficient sureties so approved, to the town liable for the maintenance of such child, and be committed until he gives them. The latter bond shall be deposited with the clerk of the court for the use of such town. If the respondent does not comply with that part of the order relative to payment of expenses and costs of suit, execution may issue therefor as in actions of tort. (As amended by Laws 1917, ch. 84.)

SEC. 8. No woman, whose accusation and examination on oath have been taken by a justice of the peace at her request, shall make a settlement with the father, or give him any discharge to bar or affect such complaint, if objected to in writing by the overseers of the poor of the town interested in her support or the child's.

SEC. 9. A town prosecuting in behalf of the complainant, is liable to the respondent, if he prevails, for his costs of court, to be recovered in an action of the case; or the court may, on his motion, enter judgment against the town for such costs, and issue execution thereon.

SEC. 10. When the father of such bastard child has remained for six months in jail, without being able to comply with the order of the court, he may be liberated by taking the poor debtor's oath, as persons committed on execution; but he shall give fifteen days' notice of his intention to do so, to the mother, if living, and to the clerk of the town where the child has its legal settlement, if in the State. The mother and said town may, after such liberation, recover of him by action of debt any sum of money, which ought to have been paid pursuant to the order of the court. (As amended by Laws 1917, ch. 158.)

SEC. 11. When the complainant dies before trial, her executor or administrator may prosecute her action to final judgment; and in case of judgment against the respondent, the bond for performance of the order of court, required by section 7, shall run to such executor or administrator, who, after payment of the costs of prosecution, shall appropriate to the support of the child the money recovered of the respondent.

#### Ch. 126.

SEC. 8. If a woman is willingly delivered in secret of the issue of her body, which would be a bastard if born alive, and conceals the death thereof, **Concealment of so that it is not known whether it was born dead, or alive and births and deaths.** was murdered, she shall be punished by imprisonment for not more than three years, or by fine not exceeding one hundred dollars; and she may be charged with such offense, and also with the murder of such child, in the same indictment, and convicted and punished for either, according to the verdict.

NOTE.—A place maintained by one who receives illegitimate children under sixteen years of age falls under the designation "boarding house for children" regulated by chapter 64, Revised Statutes, sec. 58. (Laws 1917, ch. 149.)



MARYLAND.<sup>1</sup>

Public General Laws, 1904.

## Art. VI.

**SECTION 11.** The said courts [orphans' courts] may also bind out as apprentices \* \* \* illegitimate children \* \* \*  
Apprenticeship.

Art. XII (as amended by Laws 1912, ch. 163).

**SEC. 1.** *Be it enacted by the General Assembly of Maryland,* That Article XII of the Code of Public General Laws of Maryland of the year 1904 is hereby repealed except in so far as the same is applicable to cases heretofore commenced or hereafter commenced where the bastard child was born or begotten prior to the passage of this act, and the said article be and the same is hereby reenacted, with amendments, so as to read as follows:

**SEC. 1.** *And be it enacted,* That any justice of the peace in any of the counties of the State or any justice of the peace in Baltimore City, having criminal jurisdiction, shall, upon written information given him under oath, of any woman being pregnant with or having been delivered of a bastard child, by his warrant, cause such woman to be brought before him, and shall cause said woman upon failure to disclose the father of said infant as prescribed by section 2 of this act, to give bond to the State of Maryland, with good and sufficient securities in the penalty of an amount not exceeding \$500, conditioned that she will indemnify the county or city, as the case may be, for any charge that may accrue for maintenance and support of said child and upon neglect or refusal to give such bond, the justice of the peace may commit her to jail, or any other institution, for a term not exceeding one year, or until such bond be given: *Provided, however,* That the justice of the peace may suspend sentence and parole the said woman for the term of two years.

**SEC. 2.** *And be it enacted,* That whenever any woman who has been delivered of or who is pregnant with a bastard child, shall in writing under oath, accuse any person before a justice of the peace, having criminal jurisdiction, of being the father of the said bastard child, such justice of the peace shall by his warrant cause such person to be brought before him, and if the said accused person is not to be found in the County or City of Baltimore, as the case may be, then said justice of the peace shall transmit a warrant to the sheriff of the County or City of Baltimore, as the case may be, in which said accused person is to be found, who shall cause the arrest of the said accused person and deliver him into custody of an officer of the County or City of Baltimore, as the case may be, from which the said warrant issued, to be taken before said justice of the peace.

**SEC. 3.** *And be it enacted,* That upon the appearance of said accused person, the justice of the peace shall pass an order requiring said accused person to give bond to the State of Maryland in a penalty not exceeding \$500, with good and sufficient securities, conditioned that he will appear at the next term of the circuit court of the county from which said warrant issued, or the criminal court of the City of Baltimore, as the case may be, or to any later term of such court, after the birth of said child, in default of such security, said accused person shall be committed to the custody of the sheriff until such bond is given or until final judgment is rendered by said court, in case the bond provided for by this section shall be forfeited, the court may from time to time direct that the proceeds thereof be applied for the maintenance and support of said bastard child.

**SEC. 4.** *And be it enacted,* That at the hearing before said justice of the peace, it shall be his duty to take down and reduce to writing the testimony of the woman making complaint, together with the cross-examination of said woman by the accused, or his attorney, which testimony shall be signed and sworn to by said woman, and he shall transmit the same with the original papers in the case to the circuit court of the county or to the criminal court of the City of Baltimore, as the case may be, and such testimony shall be admitted in evidence at the trial of the accused person under section 5 of this act, if said accusing witness should die prior to the time of such trial.

**SEC. 5.** *And be it enacted,* That immediately upon the passage of said order, said justice of the peace shall transmit the original papers and a transcript of the proceedings had before him to said circuit court or the criminal court of the City of Baltimore, as the case may be, and thereupon, but not before said woman shall have been delivered, the same proceedings shall be had as in other criminal cases, and if the accused person

<sup>1</sup> These laws are also contained in Annotated Code 1911 and 1914, under article and section numbers corresponding to those of the codification of 1904.

shall be found guilty by the verdict of a jury, or by the court, if the case be tried before the court, the court shall immediately order such person to give bond to the State of Maryland, in a penalty not exceeding \$500, with good and sufficient securities conditioned to pay for the maintenance and support of said child, to the mother, or to the person having said child in custody, or to the County or to the City of Baltimore, as the case may be, if said child be a public charge, until said child reaches the age of twelve years, or during the life of such child if said child die before reaching the age of twelve years, such sum, not exceeding \$15 per month, as the court shall by order direct, due regard being had to the circumstances of such accused person, and further to pay the whole or such part of the expenses incurred by the said mother during her confinement as the court may direct and to pay the reasonable funeral expenses of said child if he or she shall die under the age of twelve years in default of such bond he shall be committed to jail or the house of correction until said bond be given, but not exceeding two years.

SEC. 6. *And be it enacted*, That the court upon the trial of said person accused of being the father of the said bastard child, may in its discretion pass an order directing the mother thereof to give a bond in a penalty not exceeding \$500 with good and sufficient securities, to the State of Maryland, conditioned that she will indemnify the county or city, as the case may be, from any charge that may accrue for the maintenance and support of the said child until said child reaches the age of twelve years, and upon neglect or refusal to give such bond, the court may commit her to jail or other institution for a term not exceeding one year, or until such bond is given, provided, however, that the court may suspend sentence and parole the said woman for the term of two years.

SEC. 7. *And be it enacted*, That all bonds or recognizances required under this act to be taken or given before a justice of the peace shall be immediately returned by said justice of the peace (a copy thereof being retained by the said justice of the peace), to the clerk of the circuit court of the county or the criminal court of Baltimore City, as the case may be; and the clerk of the court shall record said bonds or recognizances together with any other bonds or recognizances taken or given by the order of the court therein among the proceedings of the court.

SEC. 8. *And be it enacted*, That the court may from time to time, upon petition of any interested party, change or modify its order directing the amount that the father shall pay for the maintenance and support of said child, ten days' notice in writing mailed to or left at the last known address of the opposite party shall be sufficient service.

SEC. 9. *And be it enacted*, That the circuit court of the county or the criminal court of Baltimore City, as the case may be, shall take such action and shall have authority to direct the issue of such writs as may be appropriate to enforce the bonds provided for by this act.

SEC. 10. *And be it enacted*, That upon the death of the father after giving the bond required in section 5, the court may, upon the suggestion of the death of the said father, summon the personal representatives and heirs of the said father and the securities upon the bond given as required by section 5, if such parties be within the State, and the mother or other person having charge of the said child, and upon proof being offered to the court of the amount of the estate of the said decedent father, and upon any other points upon which the court desires to hear testimony, the court may, in its discretion, direct and order such sum or sums to be paid to the mother or other person in charge of such child, for the maintenance and support thereof out of the father's estate as may appear to the court to be just and proper. In no case, however, shall the mother or other person in charge of said child receive more than \$500 or more than one-half the amount that each of his legitimate children, if any, would receive, or more than one-half the amount the descendants, if any, of a deceased legitimate child would receive as a class, if the father had died intestate. All money paid or ordered to be paid under this section shall be charged as a debt or debts against the estate of the said deceased father, upon payment of the sum or sums ordered to be paid by the court under this section, the bond given under section 5 shall be cancelled and the sureties thereon discharged.

SEC. 11. *And be it enacted*, That prosecutions under this act may be commenced within two years from the delivery of the mother of the bastard child, except that where the person accused has made payments for the maintenance and support of the said child, it shall be sufficient if the prosecution be started within two years from the last payment by the accused for the maintenance and support of the said bastard child.

SEC. 12. *And be it enacted*, That whenever any principal, surety, or other person in interest, upon competent testimony, makes it appear to the satisfaction of any court in which a bond in any bastardy case is entered upon, that by reason of the death of the child or by reason of the payment of all dues arising under said bond, or

for any other reason, the bond should be discharged, the court may make such order of discharge, annulment or cancellation of the bond, or such other order as may be deemed appropriate by the court to discharge the obligors on the bond.

SEC. 13. *And be it enacted*, That Article 12 of the Code of Public General Laws of Maryland of the year 1904 shall continue in full force and effect so far as the same is applicable to cases heretofore commenced or hereafter commenced where the bastard[y] child was born or begotten prior to the passage of this act.

SEC. 14. *And be it enacted*, That the unconstitutionality of any part of or any section of this act shall not affect the validity of any other part or section thereof.

#### Art. XLVI.

SEC. 29. If any man shall have a child or children by any woman whom he shall afterwards marry, such child or children, if acknowledged by the man, shall, in virtue of such marriage and acknowledgment, be hereby legitimated and capable in law to inherit and transmit inheritance as if born in wedlock.

SEC. 30. The illegitimate child or children of any female, and the issue of any such illegitimate child or children shall be capable in law to take and inherit both real and personal estate from their mother, or from each other, or from the descendants of each other, as the case may be; and where such illegitimate child or children shall die, leaving no descendants, or brothers or sisters, or the descendants of such brothers and sisters, then and in that case, the mother of such illegitimate child or children, if living, shall inherit both real and personal estate from such illegitimate child or children; and if the mother be dead, then and in that case the heirs at law of the mother shall inherit the real and personal estate of such illegitimate child or children in like manner as if such illegitimate child or children had been born in lawful wedlock.

#### Art. XCIII.

SEC. 134. The illegitimate child or children of any female, and the issue of any such illegitimate child or children shall be capable to take real or personal estate from their mother, or from each other, or from the descendants of each other, in like manner as if born in lawful wedlock.

### MASSACHUSETTS.

Revised Laws, 1902.

#### Ch. 83.

SECTION 13. The mother of an illegitimate infant under two years of age, who is a resident of this Commonwealth and who has previously borne a good character, may, in writing signed by her, and with the consent of said State board of charity, give up such infant to said board for adoption; and said State board, if it deems such action for the public interest, may, in its discretion and on such conditions as it may impose, receive such infant and provide therefor. Such surrender by the mother shall operate as a consent by her to any adoption subsequently approved by said board.

SEC. 17. Whoever receives an infant under the age of three years for board or for the purpose of procuring adoption shall use due diligence to ascertain whether it is illegitimate, and if he knows or has reason to believe that it is, he shall forthwith notify the State board of charity of such reception. The members, officers or agents of said board may enter and inspect any building where they have reason to believe such illegitimate infant is boarded and remove it, if they believe that, by reason of neglect, abuse or other cause, its removal is necessary to preserve its life. Such infant shall be in the custody of said board which shall make provision therefor according to law.

SEC. 18. Whoever receives an infant for board or for the purpose of procuring adoption, as described in the preceding section, and its parents shall, if required by the State board of charity or its officers, give true answers, so far as their knowledge extends, as to the parentage, residence and place of settlement of said infant; and the parent or parents of such child shall, if required by the State board of charity or the overseers of the poor of the city or town in which the person receiving said infant resides, give satisfactory security to said board or overseers for its maintenance.

SEC. 19. Whoever violates the provisions of the two preceding sections shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year.

## Ch. 84.

**Sec. 4.** The board [State board of charity] shall ascertain whether any paupers in State institutions under its supervision or that of the State board of insanity have settlements in this Commonwealth, and shall cause the laws relative to the support by cities and towns of sane State paupers to be enforced, and shall prosecute all cases of bastardy if the mother has no settlement in this Commonwealth. (As amended by Laws 1909, ch. 208.)

## Ch. 133.

**Sec. 3.** An illegitimate child shall be heir of his mother and of any maternal ancestor, and the lawful issue of an illegitimate person shall represent such person and take by descent any estate which such person would have taken if living.

**Sec. 4.** If an illegitimate child dies intestate and without issue who may lawfully inherit his estate, such estate shall descend to his mother or, if she is not living, to the persons who would have been entitled thereto by inheritance through his mother if he had been a legitimate child.

**Sec. 5.** An illegitimate child whose parents have intermarried, and whose father has acknowledged him as his child, shall be considered legitimate.

## Ch. 151.

**Sec. 6.** If a person, during the lifetime of a husband or wife with whom the marriage is in force, enters into a subsequent marriage contract with due legal ceremony and the parties thereto live together thereafter as husband and wife, and such subsequent marriage contract was entered into by one of the parties in good faith, in the full belief that the former husband or wife was dead, that the former marriage had been annulled by a divorce, or without knowledge of such former marriage, they shall, after the impediment to their marriage has been removed by the death or divorce of the other party to the former marriage, if they continue to live together as husband and wife in good faith on the part of one of them, be held to have been legally married from and after the removal of such impediment, and the issue of such subsequent marriage shall be considered as the legitimate issue of both parents.

**Sec. 12.** The issue of a marriage which is declared void by reason of consanguinity or affinity between the parties shall be illegitimate.

**Sec. 13.** The issue of a marriage which is declared void by reason of nonage, insanity or idiocy of either party shall be the legitimate issue of the parent who was capable of contracting the marriage.

**Sec. 15.** Upon or after a decree of nullity, the court shall have similar power to make orders relative to the care, custody and maintenance of the minor children of the parties as upon a decree of divorce.

## Ch. 152.

**Sec. 22.** A divorce for adultery committed by the wife shall not affect the legitimacy of the issue of the marriage, but such legitimacy, if questioned, shall be tried and determined according to the course of the common law.

## Ch. 212.

**Sec. 17.** A woman who conceals the death of issue of her body, which if born alive would be a bastard, so that it can not be ascertained whether it was born alive or, if born alive, whether it was murdered, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year.

**Sec. 18.** A woman indicted for the murder of her infant bastard child may also be charged in the same indictment with the crime described in the preceding section; and if she is acquitted of murder, she may be convicted of the concealment.

Laws of 1902, ch. 310 (Supplement to Revised Laws, 1902-1908, p. 1296).

**Sec. 1.** If a marriage is declared void by reason of a prior marriage of either party and the court finds that the second marriage was contracted with the full belief of the party who was capable of contracting the second marriage that the former husband or wife was dead, or that the former marriage was void, or that a divorce had been decreed which left the party to the former marriage free to marry again, such finding shall be stated in the decree, and the issue of the second marriage, if born or begotten before the second marriage was declared void, shall be the legitimate issue of the parent capable of contracting the marriage.

SEC. 3. This act shall take effect upon its passage, and it shall apply to proceedings pending upon or instituted after its passage, although such second marriage may have been contracted before its passage.

Laws of 1913, ch. 563, p. 480.

An act relative to illegitimate children and their maintenance.

SEC. 1. Whoever, not being the husband of a woman, gets her with child shall be **illegitimacy pro-** guilty of a misdemeanor. Proceedings under any section of this **ceedings.** act may be begun in the municipal, district or police court having jurisdiction in the place where the defendant lives, and if there be no such court, then in any municipal, district or police court in the county; or in the municipal, district or police court having jurisdiction in the place where the mother of the illegitimate child lives; and if there be no such court, then in any municipal, district or police court in the county. If no court has jurisdiction as aforesaid, proceedings may be begun before a trial justice in the county where such defendant or such mother lives.

SEC. 2. If the defendant pleads guilty or nolo contendere, or is found guilty, the court or justice shall enter a judgment adjudging him the father of such child; but such adjudication shall not be made after a plea of not guilty, against the objection of the defendant, until the child is born or the court or justice finds that the mother is at least six months advanced in pregnancy. No provision of law limiting adjournments or continuances shall apply to proceedings under any section of this act. At the sitting when such adjudication is made, if made after a plea of not guilty, the defendant may appeal therefrom to the superior court as in other criminal cases. Such adjudication, whether any sentence be imposed or not, shall be final and conclusive unless an appeal from such adjudication to the superior court be taken as hereinbefore provided, or, if such adjudication, be made by the superior court, unless set aside upon an appeal taken not later than three days thereafter under the provisions of section 32 of chapter 219 of the Revised Laws, or upon exceptions. Such adjudication may be entered by the superior court notwithstanding exceptions have been alleged or an appeal has been taken. The court or justice making such adjudication may within one year thereafter grant a new trial for any cause.

SEC. 3. If the court or justice having jurisdiction of any case under any section of this act becomes satisfied that no living child will be born of which the defendant at the time of making the complaint was the father, or that the defendant and the mother have married each other and the child has become or will be the legitimate child of the defendant, or that adequate provision has been made for the maintenance of the child, the complaint may be dismissed and any adjudication vacated; and if the court or justice certifies that such provision has been made, no further complaint shall be maintained under any section of this act.

SEC. 4. If the child has not been born at the time of such adjudication, the court or justice having jurisdiction of the case shall continue the case from time to time until the child is born. At any time after such adjudication, after inquiring into the respective means of the defendant and the mother, the court or justice having jurisdiction of the case may make an order for the payment to the mother or to a probation officer of a sum of money to be determined by the court or justice for the expenses of the confinement of the mother, and for failure to comply with such order may order that the defendant be committed to jail, as for a contempt of court, for a term not exceeding two months, unless he shall sooner comply with the order of the court.

SEC. 5. After such adjudication the court or justice having jurisdiction of the case may make such order as may be considered expedient relative to the care and custody of the child, and afterward from time to time may revise and alter the said order, as justice and the welfare of the child require, and the order shall be binding on all persons.

SEC. 6. After such adjudication, and after the child has been born, the defendant shall be liable to contribute reasonably to the support of the child during minority, and shall be subject upon the original complaint under section one of this act, to all the penalties and all the orders for the support and maintenance of the child provided in the case of a parent who is found guilty of unreasonably neglecting to provide for the support and maintenance of a minor child by chapter 456 of the acts of the year 1911 and acts in amendment thereof and in addition thereto; and the practice thereby established shall, so far as it is applicable, apply to proceedings under this section and the preceding sections of this act.

SEC. 7. Any father of an illegitimate child, whether such child shall have been begotten within or without this commonwealth and whether such child shall have been begotten before or after the taking effect of this act, who neglects or refuses to

contribute reasonably to the support and maintenance of such child shall be guilty of a misdemeanor, and, upon conviction thereof, shall be liable to all the penalties and all the orders for the support of the child provided in the case of a parent who is found guilty of unreasonably neglecting to provide for the support and maintenance of a minor child by chapter 456 of the acts of the year 1911<sup>1</sup> and acts in amend-

<sup>1</sup> An act to make uniform the law relating to desertion and nonsupport of wife by husband or of children by either father or mother.

**SECTION 1.** Any husband who without just cause deserts his wife or minor child or children, whether by going into another town or city in this commonwealth or into another State, and leaves them or any or either of them without making reasonable provision for their support, and any husband who unreasonably neglects or refuses to provide for the support and maintenance of his wife or minor child or children, or abandons or leaves them or any or either of them in danger of becoming a burden upon the public, and any parent, whether father or mother, who deserts or willfully neglects or refuses to provide for the support and maintenance of his or her child or children under the age of sixteen, or whose minor child by reason of the neglect, cruelty, drunkenness, habits of crime or other vice of such parent is growing up without education, or without salutary control, or without proper physical care or in circumstances exposing such child to lead an idle and dissolute life, shall be guilty of a crime, and on conviction thereof shall be punished by a fine not exceeding two hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

**SEC. 2.** All fines imposed under the provisions of the foregoing section may, in the discretion of the court be ordered to be paid in whole or in part to the probation officer under the provisions of section one of chapter two hundred and twenty of the Revised Laws, as amended by section one of chapter three hundred and thirty-eight of the acts of the year nineteen hundred and five, to be paid by such probation officer to the wife or to the city, town, corporation, society or person actually supporting the wife or minor child or children at the time when the sentence was imposed, or to the treasurer of the Commonwealth for the use of the state board of charity if the minor child or children have been committed to said board.

**SEC. 3.** Proceedings under this act may be begun upon complaint made under oath or affirmation by the wife, or by the child or children, or by any other person against any person guilty of any of the above-named offences, in the municipal, district or police court, or before the trial justice of the district in which the husband and wife, or either of them, are living or in which they last lived together.

**SEC. 4.** At any time before the trial, upon petition of the complainant and upon notice to the defendant, the court, or a judge thereof in vacation, may enter such temporary order as may seem just, providing for the support of the deserted wife or children, or both, pendente lite, and may punish any violation of such order as for contempt.

**SEC. 5.** Before the trial, with the consent of the defendant, or at the trial, on entry of a plea of guilty, or after conviction, if the defendant is placed on probation or if his sentence is suspended and he is placed on probation under the provisions of section one of chapter two hundred and twenty of the Revised Laws, and acts in amendment thereof, the court in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have power to make an order, which shall be subject to change by the court from time to time as circumstances may require, directing the defendant to pay a certain sum periodically, for a term not exceeding two years, to the probation officer, who shall pay over the same to the wife or to the guardian or custodian of the said minor child or children, or to the city, town, corporation or society supporting the wife or minor child or children, or to the treasurer of the Commonwealth for the use of the State board of charity when the complaint is for neglect to provide for the support of the minor child or minor children who have been committed to the custody of said board; and the court shall also have power to release the defendant from custody on probation for the period so fixed, requiring in its discretion the defendant to enter into a recognizance, with or without surety, in such sum as the court or a judge thereof in vacation may order and approve. The condition of the recognizance shall be that if the defendant shall make his or her personal appearance in court, whenever ordered to do so, and shall comply with the terms of the order of support, or of any subsequent modification thereof, then the recognizance shall be void, but otherwise it shall be of full force and effect. Suit may be brought upon said recognizance by any person authorized by the court, and the proceeds of the suit shall be applied to the support of the wife or of the minor child or children as the court shall direct. (As amended by Laws 1918, ch. 257, sec. 453.)

**SEC. 6.** If the court be satisfied by information and due proof under oath that at any time during said period of probation the defendant has violated the terms of the order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, as the case may be. In case the defendant is admitted to bail pending the trial of the cause and the bail shall be forfeited, the money or sum recovered, and in case of the forfeiture of the recognizance and enforcement thereof by execution the sum recovered may, in the discretion of the court, be paid in whole or in part to the probation officer, who shall pay over the same to the wife, or to the guardian or custodian of said minor child or children, or to the city, town, corporation or society supporting the wife or minor child, or to the treasurer of the Commonwealth for the use of the State board of charity when the complaint is for neglect to provide for the support of a minor child or of minor children who have been committed to the custody of said board. (As amended by Laws 1914, ch. 520, and Laws 1918, ch. 257, sec. 454.)

**SEC. 7.** No other or greater evidence shall be required to prove the marriage of the husband and wife, or that the defendant is the father or mother of the child or children, than is or shall be required to prove the same facts in a civil action. In no prosecution under this act shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife shall be competent witnesses to testify against each other to any and all relevant matters, including the fact of their marriage and the parentage of the child or children: *Provided*, That neither shall be compelled to give evidence incriminating himself or herself. Proof of the desertion of the wife, child or children, and of the neglect or refusal to make reasonable provision for their support and maintenance, shall be prima facie evidence that such desertion, neglect or refusal is willful and without just cause.

**SEC. 8.** It shall be the duty of the superintendent, master or keeper, as the case may be, of any reformatory or penal institution in which any person is confined by virtue of a sentence imposed under the provisions of this act, providing that the court imposing such sentence finds the wife, child or children as the case may be, of such person to be in destitute or needy circumstances, to pay over to probation officer, at the end of each week a sum equal to fifty cents for each day's hard labor performed by the person so confined. In making the payment the superintendent, master or keeper, as the case may be, in charge of the reformatory or penal institution, shall state the name of the person for whose labor the payment is made, and the probation officer shall pay over such sum promptly to the wife, or to the guardian or custodian of the minor child or children of the person so confined, or to the city, town, corporation or society supporting the wife or minor child or children at the time when the sentence was imposed, or to the treasurer of the Commonwealth for the use of the State board of charity when the complaint was for neglect to provide for the support of the minor child or of minor children who have been committed to the custody of said board. (As amended by Laws 1912, ch. 310.)

ment thereof and in addition thereto; and the practice thereby established shall, so far as it is applicable, apply to proceedings under this section. If there has been any final adjudication under this act, such judgment, order or adjudication shall be conclusive on all persons in proceedings under this section; otherwise, the question of paternity shall be determined in proceedings under this section: *Provided, however*, That no proceedings shall be maintained under the provisions of this act in any case where proceedings have been begun under chapter 82 of the Revised Laws and acts in amendment thereof or in addition thereto.

SEC. 8. Appealed proceedings under this act shall be placed on the trial list for each sitting of the superior court for the trial of criminal cases until tried, and shall have precedence next after the cases mentioned in section 32 of chapter 157 of the Revised Laws.

SEC. 9. Chapter 82 of the Revised Laws and all acts in amendment thereof or in addition thereto are hereby repealed; but this repeal shall not affect any proceeding begun before the first day of July, in the year 1913.

SEC. 10. This act shall take effect on the first day of July in the year 1913.

#### Settlement (residence).

Laws 1911, ch. 669, sec. 1. Legal settlement may be acquired in any city or town in the following manner and not otherwise:

Fourth. Illegitimate children shall follow and have the settlement of their mother if she has any within the Commonwealth.

#### Birth registration.

Laws 1912, ch. 280, sec. 2. \* \* \*. If the child is illegitimate, the name and other facts relating to the father shall not be stated except at the request in writing of both the father and mother filed with the return \* \* \*.

R. L., 1902, ch. 29, sec. 25. In any statement of births and deaths printed by a city or town the name of an illegitimate child or of its parents \* \* \* shall not be printed, but the word "illegitimate" \* \* \* shall be used in place thereof. A city or town which violates the provisions of this section shall forfeit to the mother of such child not more than one hundred dollars.

NOTE ON ADOPTION LAW.—The law requires the consent of the mother of the illegitimate child (ch. 154, sec. 2); also: "Illegitimacy shall in no case be expressly averred upon the record." (Laws 1904, ch. 302.)

### MICHIGAN.

#### Compiled Laws, 1915.

SECTION 7753. *Complaint and examination.*—When any woman who has been delivered of a bastard child, or is pregnant with a child, which, if born alive, may be a bastard, shall make a complaint to any justice of the peace, and shall desire to institute a prosecution against the person whom she accuses of being the father of the child, the justice shall take her accusation and examination in writing, under oath, respecting the person accused, the time when and place where the complainant was begotten with child, and such other circumstances as the said justice shall deem necessary, for the discovery of the truth of such accusation. (See sec. 15700, permitting examining magistrate to exclude persons not required by law to be in attendance.)

SEC. 7754. *Warrant; proceedings thereon.*—The said justice may issue his warrant against the party accused, which may be executed in any part of this State, and after hearing him in his defense, may require him to enter into recognizance with one or more sureties to the satisfaction of the justice, in such sum as he may deem necessary, not less than one hundred nor more than five hundred dollars, upon condition to appear and answer to the said complainant at the next term of the circuit court for the county, and to abide the order of the court thereon, and may order him to be committed until he shall enter into such recognizance; and on the trial of the issue before the court, the examination taken as aforesaid shall be given in evidence.

SEC. 7755. *Proceedings in circuit court.*—If, at the next term of the said court, the complainant shall not have been delivered, or shall not be able personally to attend, or if there shall be any other sufficient reason therefor, the court may order a continuance of the cause, from time to time, as they shall judge necessary, and such recognizance shall remain in force until final judgment: *Provided*, That if the sureties in such recognizance shall, at any term of said court, object to being any longer held liable, or if the court shall, for any cause, deem it proper, such court may order the

defendant to enter into a new recognizance, with such sureties, and for such amount as they shall direct; and he shall stand committed until such new recognizance shall be entered into.

SEC. 7756. *Trial and judgment.*—Upon the trial of the cause, the woman making the complaint shall be admitted as a witness, unless she shall have been convicted of a crime which would by law render her incompetent as a witness in any other cause; and the issue to the jury shall be, whether the defendant is guilty or not guilty; and if the jury shall find him guilty, or if he shall admit the truth of the accusation, he shall be adjudged to be the father of such child, and shall stand chargeable with the maintenance thereof, with the assistance of the mother, in such manner as the court shall order.

SEC. 7757. *Bond to secure performance of order, etc.*—Such person so adjudged to be the father of such child, shall give bond to the superintendents of the poor of the county, with sufficient sureties to the satisfaction of the court, to perform such order and also to indemnify the county, which might be chargeable with the maintenance of such child; and he may be committed to prison until he shall give such bond; but if on such trial he shall be found not guilty, the court shall order that he be discharged; and in either case the judgment of the court shall be final.

SEC. 7758. *Relief of persons imprisoned—Notice of intention to take oath—Not released from civil liability.*—Any man who shall have been imprisoned six months for having failed to comply with the order of the circuit or superior court, as provided in this chapter, shall have the benefit of the laws for the relief of poor prisoners committed on execution for debt: *Provided*, He shall procure the like notification of his intention to take the oath prescribed to poor debtors, to be served on the complainant if still living in this State, and a like notice upon one of the said superintendents of the poor, and upon the prosecuting attorney of the county where such conviction shall have been had; such notification to be served at least thirty days before the time appointed for taking said oath: *Provided*, That the taking of such oath shall in nowise release the person taking the same from any civil liability to said complainant under an order of such circuit or superior court: *And provided, further*, That in the trial of any cause for the recovery of any sum of money ordered by the circuit court to be paid by any defendant for the support of any illegitimate child, a certified copy of such order shall be prima facie evidence of the liability of such defendant.

SEC. 7759. *Still liable to action.*—The mother of such child, and the said county superintendents respectively, may at all times after the liberation of such prisoner on taking said oath, recover by action of debt or on the case, any sum of money which ought to have been paid to them respectively by him in pursuance of such order of the court.

SEC. 7760. *When superintendents to make application for examination.*—If any woman shall be delivered of a bastard child, which shall be chargeable, or likely to become chargeable to any county; or shall be pregnant of a child likely to be born a bastard, and to become chargeable to any county, the superintendents of the poor of any county, or any of them, where such woman shall be, shall, upon application for aid in supporting such child by the mother thereof, apply to some justice of the peace of the same county to make inquiry into the facts and circumstances of the case.

SEC. 7761. *Woman to be examined, and reputed father apprehended.*—Such justice shall examine such woman on oath respecting the father of such child, the time when and the place where she was begotten with child, and such other circumstances as the justice may deem necessary for the discovery of the truth; and shall thereupon issue his warrant to apprehend the reputed father; and the same proceedings shall be thereupon had, as if complaint had been made by such woman, as prescribed in the foregoing provisions of this chapter, and with the like effect.

SEC. 7762. *Warrant may be executed in any county.*—Any warrant issued for the apprehension of such reputed father, may be executed in any county in this State, in which the person against whom the same issued may be found.

SEC. 7763. *Superintendents may compromise with father.*—The superintendents of the poor of any county in this State shall have power to make such compromise and arrangement with the putative father of any bastard child in such county, relative to the support of such child, as they shall deem equitable and just, and thereupon may discharge such putative father from all liability for the support of such bastard.

SEC. 11796. *Illegitimate children to inherit from mother.*—Every illegitimate child shall be considered as an heir of his mother, and shall inherit her estate, in like manner as if born in lawful wedlock; but shall not be allowed to claim, as representing his mother, any part of the estate of any of her kindred, either lineal or collateral.

#### Inheritance.



**SEC. 11797. *Estate of illegitimate child; to whom to descend.***—If any illegitimate child shall die intestate, without lawful issue, his estate shall descend to his mother; if she be dead, it shall descend to the relatives of the intestate on the part of the mother, as if the intestate had been legitimate.

**SEC. 11798. *Legitimation of bastard.***—When, after the birth of an illegitimate child, his parents shall intermarry, or without such marriage, if the father shall, by writing under his hand acknowledge such child as his child, such child shall be considered legitimate for all intents and purposes: *Provided*, That such acknowledgment shall be executed and acknowledged in the same manner as may be by law provided for the execution and acknowledgment of deeds of real estate, and be recorded in the office of the judge of probate of the county in which such father is at the time a resident.

**SEC. 11392. *Marriages void without divorce—Legitimacy of issue.***—All marriages which are prohibited by law on account of consanguinity or affinity between the parties, or on account of either of them having a former wife or husband then living, and all marriages solemnized when either of the parties was insane or an idiot, shall, if solemnized within this State, be absolutely void, without any decree of divorce or other legal process: *Provided*, That the issue of such marriage, except that contracted while either of the parties thereto had a former husband or wife living, shall be deemed legitimate.

**SEC. 11418. *Legitimacy of children in case of adultery.***—A divorce for the cause of adultery committed by the wife, shall not affect the legitimacy of the issue of the marriage, but the legitimacy of such children, if questioned, may be determined by the court upon the proofs in the cause; and in every case, the legitimacy of all children begotten before the commencement of the suit shall be presumed until the contrary be shown.

**SEC. 11419. *Legitimacy in cases of nonage, etc.***—Upon the dissolution of a marriage on account of the nonage, insanity or idiocy of either party, the issue of the marriage shall be deemed to be in all respects the legitimate issue of the parent who, at the time of the marriage, was capable of contracting:

**SEC. 11420. *Legitimacy in case of former husband or wife living.***—When a marriage is dissolved on account of a prior marriage of either party, and it shall appear that the second marriage was contracted in good faith, and with the full belief of the parties that the former wife or husband was dead, that fact shall be stated in the decree of divorce or nullity; and the issue of such second marriage, born or begotten before the commencement of the suit, shall be deemed to be the legitimate issue of the parent who, at the time of the marriage, was capable of contracting.

**SEC. 7794. *Certain wife desertion felony—Limitations.***—Every man or boy who shall marry any woman or girl for the purpose of escaping prosecution for rape, bastardy or seduction, and shall afterwards desert her without good cause, shall be deemed guilty of a felony, and shall, upon conviction, be fined not more than \$1,000 or be imprisoned in the State prison for not more than three years: *Provided*, That no prosecution shall be brought under this act after five years from the date of the marriage: *Provided, further*, That in all prosecutions under this act, the wife may testify against a husband without his consent.

**SEC. 11517. *Mother of illegitimate child may consent.***—The mother of an illegitimate minor child shall have power to give the consent authorized in this chapter [secs. 11491, 11518], to the binding of such child, during the lifetime of the putative father, as well as after his death.

**SEC. 15469. *Concealment by mother of death of bastard child.***—If any woman shall conceal the death of any issue of her body, which, if born alive, would be a bastard, so that it may not be known whether such issue was born alive or not, or whether it was not murdered, she shall be punished by fine not exceeding \$100, or imprisonment in the county jail not more than one year.

**SEC. 15470. *How charged in such case in indictment.***—Any woman who shall be indicted for the murder of her infant bastard child, may also be charged in the same indictment with the offense prescribed in the preceding section; and if on the trial, the jury shall acquit her of the crime of murder, and find her guilty of the other offense, judgment and sentence may be awarded against her for the same.

**NOTE ON ADOPTION.**—If child illegitimate, consent of mother required. (Sec. 14139.)

**NOTE ON BIRTH REGISTRATION.**—The certificate of birth states whether the child is legitimate or illegitimate. (Sec. 5614.)

## MINNESOTA.

General Statutes, 1913.

Ch. 17. Illegitimate children (as amended by ch. 210 of Laws of 1917).

**SECTION 3214. Complaint—Warrant.**—On complaint being made to a justice of the peace or municipal court by any woman who is delivered of an illegitimate child, or pregnant with a child which, if born alive, might be illegitimate, accusing any person of being the father of such child, the justice or clerk of the court shall take the complaint in writing, under her oath, and thereupon shall issue a warrant, directed to the sheriff or any constable of the county commanding him forthwith to bring such accused person before such justice or court to answer such complaint; which warrant may be executed anywhere within the State.

**SEC. 3215. Action; how entered—Proceedings.**—The justice shall enter an action in his docket, or the clerk of court in his register of actions, in which the State shall be plaintiff and the accused defendant, and shall make such other entries as are required in criminal actions. On the return of the warrant with the accused, the justice or judge shall examine under oath the complainant, and such other witnesses as may be produced by the parties, respecting the complaint, and shall reduce such examination to writing. He may at his discretion, and at the request of either party shall, exclude the general public from attendance at such examination.

**SEC. 3216. Recognizance.**—If there is probable cause to believe the defendant guilty as charged in the complaint, the justice or judge shall require him to enter into a recognizance, with approved sureties, in a sum not less than one hundred dollars nor more than five hundred dollars, to appear before the district court of the proper county at the next term thereof, or if such court is then sitting in the county, at a date fixed by the justice or judge, and answer said complaint and abide the order of such court thereon. If he fails to give such recognizance, the justice or judge shall commit him to the county jail, there to be held to answer such complaint at the next term of such court, or at the date so fixed. Thereupon the justice or judge shall certify the examination, and return the same and all process and papers in the case to the clerk of such court.

**SEC. 3217. Proceedings in district court.**—At the next term of said court, or at the date fixed by the justice or judge, if the complainant has not been delivered or is not able to attend, or for any other sufficient reason, the court may continue the cause, and such continuance shall renew the recognizance, which shall remain in force until final judgment. If the sureties shall at any term of court surrender the defendant and ask to be discharged, or if the court shall at any time deem it proper, it may order a new recognizance to be taken, and commit the defendant until it is given.

**SEC. 3218. Trial—Judgment and proceedings to enforce the same.**—Upon the trial the examination taken before the justice or judge of the municipal court shall in all cases be read to the jury when demanded by the defendant. If he is found guilty, or admits the truth of the accusation, he shall be adjudged to be the father of such child and thenceforth shall be subject to all the obligations for the care, maintenance and education of such child, and to all the penalties for failure to perform the same, which are or shall be imposed by law upon the father of a legitimate child of like age and capacity. Judgment shall also be entered against him for all expenses incurred by the county for the lying-in and support of and attendance upon the mother during her sickness, and for the care and support of such child prior to said judgment of paternity, the amount of which expenses, if any, shall also be found by the jury if they return a verdict of guilty; together with the costs of prosecution. If the defendant fails to pay the amount of such money judgment forthwith, or during such stay of execution as may be granted by the court, he shall be committed to the county jail, there to remain until he pays the same or is discharged according to law: *Provided, however,* That no stay shall be granted unless the defendant shall give a bond to the county, in such sum and with such sureties as shall be approved by the court, for the payment of such money judgment on or before the expiration of such stay.

**SEC. 3219. Action by mother of child against father.**—In the event of judgment of paternity as provided in section 3218 the mother shall be entitled to recover of the father in a civil action all expense necessarily incurred by her in connection with her confinement, including her suitable maintenance for not more than eight weeks next prior thereto and not more than eight weeks thereafter; and for the burial of the child if the same shall have been stillborn or shall have died after birth.

**SEC. 3220. Petition for discharge—Notice.**—Any person who has been imprisoned ninety days for failure to pay any such money judgment may apply to said court, by petition setting forth his inability to pay the same, and praying to be discharged from

imprisonment, and shall attach to such petition a verified statement of all his property, money and effects whether exempt from execution or otherwise. Thereupon the court shall appoint a time and place for hearing said application, of which the petitioner shall give at least ten days' notice to the county attorney.

SEC. 3221. *Hearing—Discharge.*—At the hearing the defendant shall be examined on oath in reference to the facts set forth in such petition and his ability to pay such money judgment, and any other legal evidence in reference to such matters may be produced by any of the parties interested. If it appears that the defendant is unable to pay such judgment, the court may direct his discharge from custody, upon his making affidavit that he has not in his own name any property, real or personal, and has no such property conveyed or concealed, or in any manner disposed of with design to secure the same to his use or to avoid in any manner payment of such judgment. If upon such hearing it appears that the defendant has property, but not sufficient to pay such judgment, the court may make such order concerning the same, in connection with such discharge as justice may require. The defendant's discharge as aforesaid shall not affect the right of the county to collect upon execution any portion of such judgment remaining at any time unsatisfied, subject to all the provisions of law relating to judgments for the payment of money.

SEC. 3222. *Complaint by others than mother.*—If a woman is delivered of an illegitimate child, or is pregnant with a child likely to be illegitimate when born, the county board of the county where she resides, or any member thereof, or the State board of control or any person duly appointed to perform in said county any of the duties of said board relating to the welfare of children, may apply by complaint to a justice of this peace of the county or to a municipal court to inquire into the facts and circumstances of the case.

SEC. 3223. *Procedure—Warrant.*—Such justice or the judge of the municipal court may summon the woman to appear before him, and may examine her on oath respecting the father of such child, the time when and place where it was begotten, and any other facts he deems necessary for the discovery of the truth, and thereupon shall issue his warrant to apprehend the putative father. Thereafter the proceedings shall be the same as if the complaint has been made by such woman under the provisions of this chapter, and with like effect, and in all cases the complainant and the accused may require the attendance of such woman as a witness.

SEC. 3224. *Compromise by board.*—The county board, either before or after judgment, may make such compromise and settlement with the putative father of any illegitimate child, as they deem equitable and just, for expenses incurred by the county for which judgment may be or shall have been entered pursuant to section 3218.

SEC. 3225 (a). *Settlement by father.*—The State board of control or the duly appointed guardian of the person of an illegitimate child shall have authority to accept from the duly adjudged or acknowledged father of the child such sum as shall be approved by the court having jurisdiction of proceedings to establish the paternity of the child, in full settlement of all obligations for the care, maintenance and education of such child; and shall hold or dispose of the same as ordered by said court. Such settlement shall discharge the father of all further liability, civil and criminal, on account of such child; provided that such settlement shall not affect any liability of the father under section 3219.

SEC. 3225 (b). *Clerk to report name of adjudged father.*—Upon the entry of a judgment determining the paternity of an illegitimate child the clerk of the district court shall notify in writing the State registrar of vital statistics of the name of the person against whom such judgment has been entered, together with such other facts disclosed by his records as may assist in identifying the record of the birth of the child as the same may appear in the office of said registrar. If such judgment shall thereafter be vacated that fact shall be reported by the clerk in like manner.

SEC. 3225 (c). *Physician may testify.*—In any proceeding under this chapter a licensed physician or surgeon may testify concerning the fact and probable date of inception of the pregnancy of his patient without her consent, and shall so testify when duly called as a witness.

SEC. 3225 (d). *Purpose of act.*—This chapter shall be liberally construed with a view to affecting its purpose, which is primarily to safeguard the interests of illegitimate children and secure for them the nearest possible approximation to the care, support and education that they would be entitled to receive if born of lawful marriage, which purpose is hereby acknowledged and declared to be the duty of the State; and also to secure from the fathers of such children repayment of public moneys necessarily expended in connection with their birth.

SEC. 3225 (e). *Records private.*—All records of court proceedings in cases of alleged illegitimacy shall be withheld from inspection by, and copies thereof shall not be furnished to, persons other than the parties in interest and their attorneys, except upon order of the court.

## Ch. 29. Public Health.

**Sec. 4653-A.** Immediately upon the receipt of a certificate of birth not accompanied with a certificate of death of the same child the local and state registrars, respectively, shall transcribe therefrom into a book to be known as the "public record of births" the following items of information: Name, sex, color or race and date of birth of child; county and city, town or village where birth occurred; name and age of mother. The public record of births shall be open to examination by all persons desiring to consult it, and from such book only shall transcripts be made for use in connection with school attendance and employment. (As added by Laws 1917, ch. 220. See also Note on birth registration laws.)

**Sec. 4660-A.** Whenever the clerk of a district court shall report to the State registrar that a judgment has been entered determining the paternity of an illegitimate child the State registrar shall record the name of the father, and sufficient data to identify the judgment, in connection with the record of the birth of the child appearing in his office, and also in connection with the record of the death of the child, if there be such record. A report by the clerk of the subsequent vacation of such judgment shall be recorded in like manner. (As added by Laws 1917, ch. 220.)

**Sec. 4660-B.** Except when so ordered by a court of record no member of the State board of health nor any state or local registrar, nor any person connected with the office of either, shall disclose the fact that any child was either legitimate or illegitimate. The district court shall have jurisdiction, upon petition against and notice to the State registrar, to issue such orders permitting or requiring the inspection of records of births and deaths, as to it may seem just and proper, and the making and delivery of certified copies thereof. (As added by Laws 1917, ch. 220.)

**Sec. 4661.** The State registrar, or any local registrar, shall furnish any applicant therefor a certified copy of the record of any birth or death recorded under the provisions of this act: *Provided*, That the fact that any child was either legitimate or illegitimate, or other facts from which such fact can be determined, shall not be disclosed except when ordered by a court of competent jurisdiction in accordance with section 4660-B. For the making and certification of a complete record the registrar shall be entitled to receive a fee of fifty cents, to be paid by the applicant; for a transcript from the public record of births he shall be entitled to a fee of twenty-five cents, to be paid in like manner. Such copy of the record of a birth or death, when certified by the State or local registrar to be a true transcript therefrom, shall be prima facie evidence of the facts therein stated in all courts of this State. The State registrar shall keep a correct account of all fees or moneys received by him under the provisions of this act, and pay the same over to the State treasurer at the end of each month. (As amended by Laws 1917, ch. 220.)

**Sec. 4662.** Any person who shall violate any of the provisions of this act, or shall wilfully neglect or refuse to perform any duty imposed upon him thereby, or shall furnish false information affecting any certificate or record provided in this chapter, or who shall disclose any information in violation of section 4660-B or 4661, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars or imprisoned in the county jail for a period of not more than ninety days. (As amended by Laws 1917, ch. 220.)

## Ch. 70. Marriage.

**SEC. 7105. *Illegitimate children.***—Illegitimate children shall become legitimized by legitimation and the subsequent marriage of their parents to each other, and the void marriages. issue of marriages declared null in law shall nevertheless be legitimate.

## Ch. 74. Descent of property.

**SEC. 7240.** An illegitimate child shall inherit from his mother the same as if born in lawful wedlock, and also from the person who, in writing and before a competent attesting witness, shall have declared himself to be his father; but such child shall not inherit from the kindred of either parent by right of representation, unless during his life time his parents intermarry, in which case he shall no longer be deemed illegitimate.

**SEC. 7241. *Estate of illegitimate child.***—If any illegitimate child dies intestate and without lawful issue, his estate shall descend to his mother, or, in inheritance. case of her prior decease, to her heirs at law.

## Ch. 98. Crimes.

**SEC. 8697.** Every person who shall endeavor to conceal the birth of a child by any disposition of its dead body, whether the child died before or after its birth, shall be guilty of a misdemeanor; and every woman who, having been convicted of endeavoring to conceal the stillbirth of any issue of her body, which if born alive would be illegitimate, or the death of such issue under the age of two years, shall, subsequent to such conviction, endeavor to conceal any such birth or death, shall be punished by imprisonment in the State prison for not more than five years. (As amended by Laws 1917, ch. 231.)

**SEC. 8668-A.** In any prosecution for desertion of or failure to support a wife or child no other or greater evidence shall be required to prove the relationship of the defendant to such wife or child than is or shall be required to prove such relationship in civil action. (As added by Laws 1917, ch. 213.)

**SEC. 8703-A.** *Abscinding from State to avoid paternity proceedings.*—If issue is conceived of fornication, and within the period of gestation or within sixty days after the birth of a living child the father absconds from the State with intent to evade proceedings to establish his paternity of such child, he is guilty of a felony and shall be punished by imprisonment in the State prison for not more than two years. (Added by ch. 211, Laws of 1917.)

Laws of 1917, ch. 194.

An act to give the State board of control general duties for the protection of defective, illegitimate, dependent, neglected and delinquent children, with authority to act as guardian of children; and to provide for child-welfare boards in the several counties of the State to aid in the performance of such duties.

**SEC. 2. *Illegitimate children.***—It shall be the duty of the board of control when notified of a woman who is delivered of an illegitimate child, or pregnant with child likely to be illegitimate when born, to take care that the interests of the child are safeguarded, that appropriate steps are taken to establish his paternity, and that there is secured for him the nearest possible approximation to the care, support and education that he would be entitled to if born of lawful marriage. For the better accomplishment of these purposes the board may initiate such legal or other action as is deemed necessary; may make such provision for the care, maintenance and education of the child as the best interests of the child may from time to time require, and may offer its aid and protection in such ways as are found wise and expedient to the unmarried woman approaching motherhood.

**SEC. 3. *Duties in behalf of children—Executive officers.***—It shall be the duty of the board to promote the enforcement of all laws for the protection of defective, illegitimate, dependent, neglected and delinquent children, to cooperate to this end with juvenile courts and all reputable child-helping and child-placing agencies of a public or private character, and to take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made. The board shall have authority to appoint and fix the salaries of a chief executive officer and such assistants as shall be deemed necessary to carry out the purposes of this act.

**SEC. 4. *County child-welfare boards—Appointment of agents.***—The State board of control may when requested so to do by the county board appoint in each county three persons resident therein, at least two of whom shall be women, who shall serve without compensation and hold office during the pleasure of the board, and who, together with a member to be designated by the county board from their own number and the county superintendent of schools, shall constitute a child-welfare board for the county, which shall select its own chairman: *Provided*, That in any county containing a city of the first class five members shall be appointed by the State board of control. The child-welfare board shall perform such duties as may be required of it by the said board of control in furtherance of the purposes of this act, and may appoint a secretary and all necessary assistants, who shall receive from the county such salaries as may be fixed by the child-welfare board with the approval of the county board. Persons thus appointed shall be the executive agents of the child-welfare board.

**SEC. 5. *Agents where no child-welfare board.***—In counties where no child-welfare board exists the judge of the juvenile court may appoint a local agent to cooperate with the State board of control in furtherance of the purpose of this act, who shall receive from the county such salary as may be fixed by the judge with the approval of the county board.

Laws of 1917, ch. 212.

An act for the protection of children who are not in the homes and under the immediate control of their parents or guardians, and for the regulation of agencies receiving such children for care or placing out, and women during confinement, and to repeal section 4650 and sections 4655 to 4692, inclusive, General Statutes, 1913.

**SEC. 8. Maternity hospitals—Reporting illegitimacy.**—Whenever a child or a woman who within ten days has been delivered of a child, or a woman who is pregnant is received for cure in a maternity hospital or infants' home, or other public or private hospital, the licensee of such maternity hospital or home, or the officer in charge of such other hospital, shall use due diligence to ascertain whether such child is legitimate, and if there is reason to believe that he is illegitimate or will be illegitimate when born, such licensee or officer shall report to the State board of control, within such [time] as said board may prescribe, the presence of such woman or child, together with such other information as the board may require.

**SEC. 9. Same; records to be private.**—No officer or authorized agent of the State board of control, the State board of health or the local boards of health of the towns where such licensed hospitals or homes are located, or a licensee of such a hospital or home, or his agent, or any other person shall disclose the contents of the records herein provided for or the particulars entered therein, except upon inquiry before a court of law, at a coroner's inquest or before some other competent tribunal, or for the information of the State board of control, the State board of health or the local board of health of the town in which said hospital is located.

**SEC. 10. Same; relationship.**—In a prosecution under the provisions of this act or a penal law relating thereto, a defendant who relies for defense upon the relationship of any woman or infant to himself shall have the burden or [sic.] proof.

**NOTE ON LAW REGARDING REGISTRATION OF BIRTHS, ETC.**—The act regarding Public Health (chapter 29, General Statutes of 1913, sec. 4651, as amended by Chapter 220, Laws of 1917) provides that certificates of birth and of death shall state the name of the father, provided that if the child is illegitimate the name or residence of, or other identifying details relating to, the putative father, shall not be entered without his consent, except as provided in section 4660-A.

**NOTE ON ADOPTION LAW.**—The law provides that where an illegitimate child is adopted, the consent of the mother shall be obtained. The law also provides as follows:

When the parents of any minor child are dead or have abandoned him, and he has no guardian in the State, the court shall order three weeks' published notice of the hearing on such petition to be given; the last publication to be at least ten days before the time set therefor. In every such case the court shall cause such further notice to be given to the known kindred of the child as shall appear to be just and practicable: *Provided*, That if there be no duly appointed guardian, a parent who has lost custody of a child through divorce proceedings, and the father of an illegitimate child who has acknowledged his paternity in writing or against whom paternity has been duly adjudged shall be served with notice in such manner as the court shall direct in all cases where the residence is known or can be ascertained. (Secs. 7153-7155, as amended by Laws 1917, ch. 222.)

**NOTE ON ABANDONMENT LAW.**—The act relating to desertion and failure to support wife or child (General Statutes 1913, secs. 8666, 8667, 8668, as amended by chapter 213 of Laws of 1917) applies to every parent or other person having legal responsibility for the care or support of a child who is under the age of sixteen years and unable to support himself by lawful employment.

The sections as amended are as follows:

**SEC. 8666.** Every parent or other person having legal responsibility for the care or support of a child who is under the age of sixteen years and unable to support himself by lawful employment, who deserts and fails to care for and support such child with intent wholly to abandon him; and every husband who, without lawful excuse, deserts and fails to support his wife, while pregnant, with intent wholly to abandon her is guilty of a felony and upon conviction shall be punished therefor by imprisonment in the State prison for not more than five years. Desertion of and failure to support a child or pregnant wife for a period of three months shall be presumptive evidence of intention wholly to abandon.

**SEC. 8667.** Every man who, without lawful excuse willfully fails to furnish proper food, shelter, clothing, or medical attendance to his wife, such wife being in destitute circumstances; and every person having legal responsibility for the care or support of a child who is under sixteen years of age and unable to support himself by lawful employment, who willfully fails to make proper provision for such child,

is guilty of a misdemeanor. But if any person convicted under this section gives bond to the State, in such amount and with such sureties as the court prescribes and approves, conditioned to furnish the wife or child with proper food, shelter, clothing, and medical attendance for such a period, not exceeding five years, as the court may order, judgment shall be suspended until some condition of the bond is violated. The bond may, in the discretion of the court, be conditioned upon the payment of a specified sum of money at stated intervals. Upon the filing of an affidavit showing the violation of any of the conditions of the bond, the accused shall be heard upon an order to show cause, and, if the charge be sustained, the judgment shall be executed. The wife or child, and any person furnishing necessary food, shelter, clothing, or medical attendance to either, may sue upon the bond for a breach of any condition thereof.

SEC. 8668. On complaint being made in writing and under oath by the wife or any reputable person to a justice of the peace or judge of a municipal court, accusing any person of the offense defined in section 8667, the justice or judge shall issue his warrant against the person accused, directed to the sheriff or constable of the county, commanding him forthwith, to bring such accused person before the justice or judge to answer such complaint.

### MISSISSIPPI

Code of 1906.

SECTION 268. *Proceedings before justice of the peace.*—When any single woman shall be delivered of a bastard, or being pregnant with a child, which, if illegitimacy proceedings. born alive, would be a bastard, shall make complaint against the father of the child to any justice of the peace of the county where she may be so delivered, or of the county in which such woman or the reputed father may reside, the justice shall issue a warrant for the person accused and cause him to be brought before such justice forthwith; and upon his appearance the justice shall proceed to question the woman in the presence of the party accused, touching the charge against him; and the examination of the woman and the accused and all witnesses shall be taken down in writing; and if such justice shall think there is probable cause for a complaint, he shall bind the accused, in a bond, with sufficient sureties, in a penalty of not less than five hundred dollars, to appear at the next circuit court, to answer the complaint, and in default of such security may commit the accused; but if the circuit court be in session the appearance of the party and the return of the proceedings shall be to that term. Either party may be represented by counsel, and the court shall have the necessary power to compel the attendance of witnesses; and the justice, in his discretion, may exclude all persons from the court room during the inquiry except the parties and their counsel and the constable or other officer, and the witnesses being examined.

SEC. 269. *The woman may appeal.*—In case the justice of the peace shall discharge the accused, the woman may appeal, by executing within five days a bond, with a sufficient surety, payable to the accused, in the penalty of one hundred dollars, conditioned to pay all costs that may be adjudged against her; which appeal shall be returnable as other appeals from justices of the peace.

SEC. 270. *Duty of the justice after his judgment.*—It shall be the duty of the justice, in case the accused shall have been required by him to give bond, or in case he shall discharge the accused, if the woman shall have appealed, to return the proceeding to the circuit court forthwith.

SEC. 271. *Proceedings in the circuit court.*—The circuit court may compel the appearance of the defendant, and enforce his bond to appear should he have given one, and may at one time, in its discretion, require the execution of an appearance-bond, if a sufficient one has not already been given, and that, too, whether the justice of the peace required bond or not of the accused. The plaintiff shall, on or before the first day of the term of the circuit court actually held, or within such time as the court may allow, file a declaration in the said cause, and the defendant may plead thereto as in other cases, and the issue shall be made up, but such issue shall not be tried before the birth of the child.

SEC. 272. *Death of mother; her evidence, etc.*—The death of the mother shall not abate the prosecution, if the child be living; but a suggestion of the fact shall be made, and the name of the child substituted in the proceedings for that of the mother, and a guardian ad litem shall be appointed by the court to prosecute the cause, who shall not be liable for costs; and in such case the testimony of the mother, taken in writing before the justice, may be read in evidence, and shall have the same force and effect as if she were living and had testified to the same in court.

**Sec. 273. Death of child.**—The death of the bastard, if the mother be living and unmarried, shall not be cause of abatement or bar to any prosecution for bastardy; but the court trying the same shall, on conviction, give judgment for such sum as shall be deemed just.

**Sec. 274. Death of reputed father.**—In case of the death of the putative father of the bastard, after the preliminary examination before the justice, the right of action shall survive and may be prosecuted against the personal representative of the deceased with like effect as if such father were living, except that no arrest of such personal representative shall take place or bond be required of him.

**Sec. 275. Death of mother before suit begun.**—Should the mother die before beginning suit as provided, the suit may be commenced by the bastard child at any time before it is five years of age; and any person interested in the support of the child shall have the right to act for it in instituting and prosecuting the cause, and the proceedings and judgment shall be conformable to the right.

**Sec. 276. Dying declarations of the mother.**—In all bastardy proceedings when the mother is dead, her declarations in her travail, proved to be her dying declarations, may, on the trial of the case, be received in evidence.

**Sec. 277. Damages assessed.**—If the jury shall find for the complainant, it may assess such damages as it may think proper in her favor, or in favor of the child if the mother be dead, and may direct the same to be paid annually or otherwise for any term of years not exceeding eighteen, and the court shall render judgment accordingly. If the jury make an annual allowance, execution may be issued annually for the sum so allowed, computing from the term at which judgment was rendered. The clerk shall enroll the judgment on the judgment roll as are other judgments, making a separate enrollment of each annual allowance, in case there be annual allowances, and such enrollment shall constitute a first lien on all property of the defendant then owned or afterwards acquired by him, but said lien shall not take priority over any existing lien of record at the date of the enrollment of the judgment.

**Sec. 278. Limitation of complaint.**—Proceedings under this chapter shall not be instituted by the mother after the child is twelve months old, unless the defendant be absent from the State so that process can not be served on him.

**Sec. 279. Supervisors to sue in certain case.**—In case any bastard becomes a charge on the county, for the support of which proceedings have not been instituted, it shall be the duty of the board of supervisors to proceed, in the name of the county, against the father of the bastard, if known, as herein provided; and the proceedings shall be conformable to the right, and such suit may be brought within one year after the bastard becomes such charge; but such suit shall not be brought after the bastard is ten years of age.

**Sec. 280. Security may be required.**—The circuit court shall, in case the suit be by the county, and may, if the suit be begun by the mother, or child, require the defendant who has been found to be the father of the child to enter into bond, with sureties, to be approved by the court, or by such officer as the court may direct, in a penalty not greater than the amount of damages assessed by the jury, not to exceed one thousand dollars, payable to the State, and conditioned to pay the same, in manner and form, as required by the judgment entered in the case, for the support and education of the child, and that the child shall not become a public charge; and the defendant may be committed to jail and dealt with as convicts of misdemeanors until he shall comply with the order to give such bond.

**Sec. 281. Execution may be issued.**—Such bond, when given, shall be deposited in the office of the clerk of the chancery court of the county and be carefully preserved; and, on failure to make any of the annual payments for which it is conditioned, execution shall be issued thereon for such sum and costs; and the money collected thereby shall be paid to any guardian of the child, or to any person designated by the chancery court or the chancellor, to be applied to the support and education of such child.

**Sec. 282. Death of child, etc.**—If the child and mother die, or the father and mother be married, the chancery court of the county in which such bond is filed, on proof of the fact, may cause the bond to be marked "canceled," and be surrendered to the obligors.

**Sec. 283. Prisoner may be discharged after six months.**—The circuit court, or the judge thereof in vacation, may order any person in jail for a failure to comply with the requirements to give bond for the support and education of the child to be discharged, upon such terms as the court or judge may prescribe, after such person shall have been in jail for six months.

**Sec. 542. May alter names, legitimate offspring, and decree adoption of child.**—The chancery court shall have jurisdiction upon the petition of any person, to alter the name of such person, to make legitimate any of his offspring not born in wedlock, and to decree said offspring to be an heir of the petitioner; and any person who may desire to adopt another, whether an adult or

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an infant, and to change the name of such other, may present his petition for that purpose to the chancery court of the county in which he resides, or in which such person sought to be adopted may reside, and shall state in the petition the name and age of the person sought to be adopted, and the names of the parents or guardian, in case of an infant, and their residence if they be living, the name proposed to be given such person sought to be adopted, and that he has obtained the consent of the parents, of [if] living, or the guardian, if there be any, in case of an infant, and of the person sought to be adopted, if over fourteen years of age, to the adoption and change of name as prayed for; and shall also state in the petition what gifts, grants, bequests or benefits he proposes to make or confer, if any, upon such person sought to be adopted; and the court shall hear the evidence and if satisfied that the allegations of the petition are true, and that the interest and welfare of the person sought to be adopted will be promoted by the adoption, may decree that such person be adopted by the petitioner, and that the name be changed to the name proposed, if a change of name is prayed for, and that said person so adopted shall thereafter be called by that name, and that such person so adopted shall be entitled to all the benefits proposed by the petitioner to be granted and conferred; and thereafter the petitioner shall have and exercise over such person so adopted all such power and control as parents have over their own children. The person sought to be adopted, if an infant, by next friend, and the parents or guardian, or if an adult, may join in said petition, or they may voluntarily appear and become parties thereto, otherwise the parties named, if living, shall be summoned in other cases, and the costs of the proceedings shall in all cases be paid by the petitioner. (As amended by Laws 1910, ch. 185.)

**Sec. 721. Actions for injuries producing death.**—\* \* \* The provisions of this section shall apply to illegitimate children on account of the death of the mother and to mother on account of the death of an illegitimate child or children, and they shall have all the benefits, rights and remedies conferred by this section on legitimates. (As amended by Laws 1914, ch. 214.)

**Sec. 1655. Descent among illegitimates.**—If any man beget a child or children by a woman whom he shall afterwards marry, such child or children, if acknowledged by the man, shall, in virtue of such marriage and acknowledgment, be legitimate, and capable in law to inherit and transmit inheritance as if born in wedlock. All illegitimates shall inherit from their mother, and from her other children, and from her kindred, according to the statutes of descent and distribution; and the children of illegitimates and their descendants shall inherit from the brothers and sisters of their father or mother, whether legitimate or illegitimate, and from their grandparents. But the children of illegitimates shall not inherit from any ancestor or collateral kindred if there be legitimate heirs of such ancestor or collateral kindred, in the same degree, to whom the estate would otherwise descend.

**Sec. 1670. The decree of divorce shall not render illegitimate the children begotten between the parties during a lawful marriage; but if the decree be rendered because one of the parties was married to another at the time of the marriage or pretended marriage between the parties, it shall adjudge the marriage between the parties to have been invalid and void from the beginning, and the issue thereof shall be illegitimate and subject to the disabilities of illegitimate children. And the decree may provide (in the discretion of the court) that a party against whom a divorce is granted because of adultery, shall not be at liberty to marry again; in which case such party shall remain in law as a married person. In all cases of divorce from the bonds of matrimony, the marital rights shall cease with the decree.**

## MISSOURI.

Revised Statutes, 1909.

**SECTION 340. Bastards may inherit; when and how.**—Bastards shall be capable of inheriting and transmitting inheritance on the part of their mother, and such mother may inherit from her bastard child or children, in like manner as if they had been lawfully begotten of her.

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**Sec. 341. Bastards legitimated by subsequent marriage; when.**—If a man, having by a woman a child or children, shall afterward intermarry with her, and shall recognize such child or children to be his, they shall

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thereby be legitimated.

**Sec. 343. Issue of union marriage presumed.**—The issue of all marriages declared void marriages and illegitimacy shall be determined by the court.

**Sec. 344. Issue of union marriage presumed.**—For the purpose of this article the issue of all persons who were born and were living together in good faith as man and wife at the time of the birth of such children shall be deemed and taken as the legitimate children of such parents and as the children of any one parent who was a single at the time of their birth shall be deemed lawful children and shall be the issue of the mother.

**Sec. 345. \* \* \*** If there shall be no lawful father, then the mother, if living, shall be the natural guardian and manager of their children. \* \* \*

**Sec. 346. \* \* \*** As amended by Laws 1917, p. 72

**Sec. 349. Certain marriages void.**—All marriages between parents and children, including grandfathers and grandchildren of every degree, between brothers and sisters of the half as well as of the whole blood and between uncles and nieces, aunts and nephews first cousins, white persons and persons, white persons and Mongolians, are prohibited and are hereby void and this prohibition shall apply to illegitimate as well as legitimate children and relatives.

**Sec. 351. The reputed father and mother of children who were born before the ceremony of marriage is performed, as provided by this chapter, may, at the time of solemnization of said marriage, give to the officer the names of their children then living, or the descendants of such as may be dead; and it shall be the duty of such officer to record such names with a certificate of marriage.**

**NOTE ON ABANDONMENT.**—Abandonment law, section 4495, as amended by Laws 1917, p. 175, is confined to children born in or legitimated by lawful wedlock.

**NOTE ON BIRTH REGISTRATION.**—Birth certificate states whether child is legitimate or illegitimate. (Sec. 6477.)

**NOTE.**—The law regarding concealment of birth does not specially refer to illegitimate children. (Sec. 4470.)

## MONTANA.

Revised Codes, 1907.

**Section 3738. Legitimacy of children born in wedlock.**—All children born in wedlock are presumed to be legitimate.

**Sec. 3739. Legitimacy of children born out of wedlock.**—All children of a woman who has been married, born within 10 months after the dissolution of the marriage, are presumed to be legitimate children of that marriage.

**Sec. 3740. Who may dispute the legitimacy of a child.**—The presumption of legitimacy can be disputed only by the husband or wife, or the descendant of one or both of them. Illegitimacy, in such case, may be proved like any other fact.

**Sec. 3741. Obligations of parents for the support and education of their children.**—The parent entitled to the custody of a child must give him support and education suitable to his circumstances. If the support and education which the father of a legitimate child is able to give is inadequate, the mother must assist him to the extent of her ability.

**Sec. 3745. Custody of illegitimate child.**—The mother of an illegitimate unmarried minor is entitled to its custody, services and earnings.

**Sec. 3760. Child legitimized by marriage of parents.**—A child born before wedlock becomes legitimate by the subsequent marriage of its parents.

**Sec. 3770. Adoption of illegitimate child.**—The father of an illegitimate child, by publicly acknowledging it as his own, receiving it as such, with the consent of the wife, if he is married, into his family, and otherwise treating it as if it were a legitimate child, thereby adopts it as such; and such child is thereupon deemed for all purposes legitimate from the time of its birth. The foregoing provisions of this chapter do not apply to such an adoption.

**Sec. 3778. Appointment by parent.**—A guardian of the person or property, or of both, of a child born, or likely to be born, may be nominated by will or deed, to take effect upon the death of the parent nominating:  
2. If the child be illegitimate, by the mother.

SEC. 4821. *Illegitimate children to inherit in certain events.*—Every illegitimate child is an heir of the person who, in writing, signed in the presence of

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a competent witness, acknowledges himself to be the father of such child; and in all cases is an heir of his mother; and inherits his or her estate, in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock; but he does not represent his father or mother by inheriting any part of the estate of his or her kindred, either lineal or collateral, unless before his death, his parents shall have intermarried, and his father, after such marriage, acknowledges him as his child, or adopts him into his family, in which case such child and all the legitimate children are considered brothers and sisters, and on the death of either of them, intestate, and without issue, the others inherit his estate, and are heirs, as hereinbefore provided, in like manner as if all the children had been legitimate; saving to the father and mother respectively their rights in the estates of all the children in like manner as if all had been legitimate. The issue of all marriages null in law, or dissolved by divorce, are legitimate.

SEC. 4822. *The mother is a successor to illegitimate child.*—If an illegitimate child, who has not been acknowledged or adopted by his father, dies

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intestate, without lawful issue, his estate goes to his mother, or, in case of her decease, to her heirs at law.

SEC. 9576. *Complaint in bastardy; what to contain; how entitled.*—When any woman residing in any county of the State is delivered of a bastard child,

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or is pregnant with a child which, if born alive, will be a bastard, complaint may be made in writing by any person to the district court of the county where she resides, stating that fact, and charging the proper person with being the father thereof. The proceeding must be entitled in the name of the State against the accused as defendant.

SEC. 9577. *Clerk to give notice; how and to whom.*—Upon the filing of the complaint, duly verified, the clerk must cause notice to be given to the person so charged, as in an ordinary action.

SEC. 9578. *Lien upon real property; how created and for what.*—From the time of the filing of such complaint, a lien is created upon the real property of the accused in the county where the action is pending, for the payment of any money and the performance of any order adjudged by the proper court; but no lien attaches until notice of the pendency of the action is filed in the county clerk's office of the county where the real property is situated.

SEC. 9579. *Judge may order attachment without bond; when.*—The district judge may order an attachment to issue thereon without an undertaking, which order must specify the amount of property to be seized under the attachment, and may be revoked at any time by such judge or the court, on a showing made to either for a revocation of the same, and on such terms as such court or judge may deem proper in the premises.

SEC. 9580. *County attorney required to prosecute.*—The county attorney, on being notified of the facts, must prosecute the matter in behalf of the complainant.

SEC. 9581. *Issue on the trial shall be "guilty" or "not guilty."*—The issue on the trial is "guilty," or "not guilty," and must be tried as an ordinary action.

SEC. 9582. *Judgment and liability where accused found guilty.*—If the accused is found guilty, he must be charged with the maintenance of the child, in such sum, and in such manner as the court directs, with the costs of suit; and the clerk may issue execution for any sum ordered, to be paid immediately, and afterwards, from time to time, as may be required to compel compliance with the order of the court, and the defendant may be committed to the county jail until he complies with the order or judgment.

SEC. 9583. *Power of court over judgments and orders.*—The court may, at any time enlarge, diminish, or vacate any order or judgment rendered in the proceedings, on such notice to the defendant as the court or judge may prescribe.

NOTE ON ADOPTION.—The mother of the illegitimate child is recognized for the purpose of consent. (Sec. 3764.)

NOTE ON WORKMEN'S COMPENSATION LAW.—"Child" includes an illegitimate child legitimized prior to the injury. (Laws 1915, ch. 96, sec. 6.)

NOTE ON INCESTUOUS MARRIAGES.—The law applies to illegitimate relationship. (Sec. 3611.)

## NEBRASKA.

Revised Statutes, 1913.

**SECTION 1273.** *When illegitimate child shall be considered an heir.*—Every illegitimate child shall be considered as an heir of the person who shall, in writing, signed in the presence of a competent witness, have acknowledged himself to be the father of such child, and shall in all cases be considered as an heir of his mother, and shall inherit his or her estate in whole or in part as the case may be, in the same manner as if he had been born in lawful wedlock; but he shall not be allowed to claim, as representing his father or mother, any part of the estate of his or her kindred, either lineal or collateral, unless, before his death, his parents shall have intermarried and had other children, and his father, after such marriage, shall have acknowledged him, as aforesaid, or adopted him into his family, in which case such child and all legitimate children shall be considered as brothers and sisters, and on the death of either of them intestate, and without issue, the other shall inherit his estate, and he theirs, as hereinbefore provided, in like manner as if all the children had been legitimate, saving to the father and mother respectively their rights in the estate of all the said children as provided hereinbefore, in like manner as if all had been legitimate.

**SEC. 1274.** *How estate of illegitimate child shall descend.*—If an illegitimate child shall die intestate, without lawful issue, his estate shall descend to his mother, or, in case of her decease, to her heirs at law.

**SEC. 1591.** *Legitimacy of children.*—A divorce for the cause of adultery committed by the wife shall not affect the legitimacy of the issue of the marriage, but the legitimacy of such children, if questioned, may be determined by the court upon the proofs in the case; and in every case the legitimacy of all children begotten before the commencement of the suit shall be presumed until the contrary be shown.

**SEC. 1592.** *Issue of marriage legitimate.*—Upon the dissolution of a marriage on account of the nonage, insanity, or idiocy of either party, the issue of the marriage shall be deemed to be, in all respects, the legitimate issue of the parent, who, at the time of the marriage, was capable of contracting.

**SEC. 1593.** *Prior marriage.*—When a marriage is dissolved on account of a prior marriage of either, and it shall appear that the second marriage was contracted in good faith and with the full belief of the parties that the former wife or husband was dead, the fact shall be stated in the decree of divorce or nullity, and the issue of such second marriage, born or begotten before the commencement of the suit, shall be deemed to be legitimate issue of the parent who, at the time of marriage, was capable of contracting.

**SEC. 1594.** *When issue deemed illegitimate.*—Upon the dissolution by decree or sentence of nullity of any marriage that is prohibited on account of consanguinity between the parties, or of any marriage between a white person and a negro, the issue of the marriage shall be deemed to be illegitimate.

**SEC. 357.** *Proceedings relative to bastard children.*—On complaint made to any justice of the peace in this State by any unmarried woman resident therein, who shall hereafter be delivered of a bastard child, or being pregnant with a child which, if born alive, may be a bastard, accusing on oath or affirmation any person of being the father of said child, the justice shall take such accusation in writing, and thereupon issue his warrant, directed to the sheriff, coroner, or constable of any county of this State, commanding him forthwith to bring such accused person before said justice, to answer to said complaint; and on return of such warrant the justice, in the presence of the accused person, shall examine the complainant under oath respecting the cause of her complaint, and such accused person shall be allowed to ask the complainant, when under oath, any question he may think necessary for his justification; all of which questions and answers, together with every other part of the examination, shall be reduced to writing by the justice of the peace, and if, on such examination, the party accused shall pay or secure to be paid to the complainant such sum or sums of money or property as she may agree to receive in full satisfaction, and shall further give bonds to the county board of the county in which said complainant shall reside and their successors in office, conditioned to save such county free from all charges toward the maintenance of said child, then and in that case the justice shall discharge the party accused out of custody on his paying the costs of prosecution: *Provided*, The agreement aforesaid shall be made or acknowledged by both parties in the presence of the justice, who shall thereupon enter a memorandum of the same upon his docket.

SEC. 358. *County to bring suit against father of bastard.*—When any woman has a bastard child, and neglects to bring a suit for its maintenance, or commences a suit and fails to prosecute to final judgment, the county board in any county interested in the support of any such bastard child, where sufficient security is not offered to save the county from expense, may bring a suit in behalf of the county against him who is accused of begetting such child, or may take up and prosecute a suit begun by the mother of the child.

SEC. 359. *Accused person, when recognized.*—In case such accused person does not comply with the provisions in the first section of this chapter [357] contained, the justice to whom such complaint was made shall bind such person in a recognizance to appear at the next term of the district court, with sufficient security, in a sum not less than five hundred dollars, nor more than two thousand dollars, for the benefit of the county in which such bastard child shall be born, to answer such accusation, and to abide the order of the court thereon, and on neglect or refusal to find such security, the justice shall cause him to be committed to the jail of the county, there to be held to answer such complaint.

SEC. 360. *Renewal of bonds for recognizance.*—If, at the time of such court, the woman be not delivered, or be unable to attend, the court shall order the renewal of the bonds of recognizance, that the accused person shall be forthcoming at the next court after the birth of the child, at which the mother of said child shall be able to attend; and the continuance of such bonds shall be entered by order of said court unless the security shall object thereto, and shall have the same force and effect as a recognizance taken in court for that purpose.

SEC. 361. *When issue to be tried by a jury.*—When such accused person shall plead not guilty to such charge before the court to which he is recognized, the court shall order the issue to be tried by a jury; and at the trial of such issue the examination before the justice shall be given in evidence, and the mother of the bastard child shall be admitted as a competent witness, and her credibility be left to the jury: *Provided, always,* No woman shall be admitted as a witness as aforesaid who has been convicted of any crime which would by law disqualify her from being a witness in any other case; and on the trial of the issue the jury shall, in behalf of the man accused, take into consideration any want of credibility in the mother of the bastard child; also any variations in her testimony before the justice and that before the jury; and also any other confession of her, at any time, which does not agree with her testimony, on any other plea or proofs made and produced on behalf of such accused person.

SEC. 362. *Proceedings, if defendant found guilty.*—In case the jury find the defendant guilty, or such accused person before the trial, shall confess in court that the accusation is true, he shall be judged the reputed father of such child, and shall stand charged with the maintenance thereof in such a sum or sums as the court may order and direct, with payment of costs of prosecution, and the court shall require the reputed father to give security to perform the aforesaid order, and in case the said reputed father shall neglect or refuse to give security as aforesaid, and pay the costs of prosecution, he shall be committed to the jail of the county, to remain till he shall comply with the order of the court.

SEC. 363. *When any defendant admitted to bail.*—When any defendant to a complaint of bastardy shall have been committed to jail on neglect or refusal to find the security required by the third section of this chapter [359], or on failure of such defendant to renew his recognizance as required by the fourth section of this chapter [360], it shall be lawful for any judge of the district court or probate judge within his county to admit such defendant to bail by recognizing him in such sum and with such securities as such judge shall deem proper, conditioned for the appearance of such defendant before the proper court to answer the complaint made, under which he stands charged; and for taking such bail the said judge may by his special warrant, under his hand, require the sheriff or jailer to bring such defendant before him at the courthouse of the proper county, at such time as in such warrant the judge may direct: *Provided,* In fixing the amount of bail, the judge admitting the same shall be governed in the amount and quality of bail required by the third section of this chapter [359].

SEC. 364. *Warrant for arrest of defendant.*—The warrant authorized to be issued by this chapter against any accused person shall authorize and empower the officer to which it is directed to pursue and take the accused person in any county in this State, and to bring such accused person before the justice who issued said warrant, to answer the complaint made against him.

SEC. 8614. *Abandonment of wife or child.*—Whoever, without good cause, abandons

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his wife and willfully neglects or refuses to maintain or provide for her, or whoever abandons his or her legitimate or illegitimate child or children under the age of sixteen years, and willfully neglects or refuses to provide for such child or children, shall, upon conviction, be deemed guilty of a desertion and be punished by imprisonment in the penitentiary

for not more than one year, or by imprisonment in the county jail for not more than six months.

SEC. 8615. *Bond to support—Suspension of sentence.*—If at any time after complaint has been filed in the justice court, or the county court of the county in which the offense shall have been committed, such husband or parent shall appear before the court in which he stands charged and shall pay or secure to be paid to the wife or to the legal representative of the child or children, other than the accused, such sum or sums of money or property as may be agreed upon: *Provided*, Such sum so agreed or required to be paid shall not be less than two hundred dollars nor more than one thousand dollars, then the court may discharge the party accused out of custody on his paying the costs of prosecution. And if, after conviction and before sentence, the accused shall make settlement with his wife, or with the legal representatives of his children, in the same manner as herein provided for settlement before conviction and shall enter into bond to the State of Nebraska in the penal sum of not less than two hundred dollars nor more than one thousand dollars to the approval of the court as to surety and as to sum, conditioned that such husband will furnish said wife with necessary and proper home, food, care and clothing, or that such parent will furnish said child or children with necessary and proper home, food, care, and clothing, or will so furnish both said wife and child or children, on his paying the costs of prosecution, then the court may suspend sentence therein. Said bond shall remain in force as long as the district judge deems the same necessary; and whenever it shall appear to the court, either by affidavit or otherwise, that said husband or parent is, in good faith, furnishing his wife, child or children with the necessary and proper home, food, care and clothing, then the court may annul said bond and dismiss the prosecution against such husband or parent.

SEC. 8616. *On failure to comply with undertaking, arrested.*—Upon the failure of such husband or parent to comply with said undertaking, he or she may be arrested by the sheriff or other officer on a warrant issued on the precept of the prosecuting attorney, and brought before the court for commitment, whereupon the court may commit, or for good cause shown, may modify the order and take a new undertaking and further suspend sentence as may be just and proper.

NOTE ON INCESTUOUS MARRIAGES.—The law applies to illegitimate children and relatives. (Sec. 1542.)

NOTE ON ADOPTION.—The mother of an illegitimate child is recognized for purpose of consent. (Secs. 1616, 1620.)

NOTE ON BIRTH REGISTRATION.—Birth certificate on U. S. Census Bureau standard form. (Sec. 2748.)

## NEVADA.

Revised Laws, 1912.

SECTION 765. *Paternity; how established—Complaint.*—Under this act the paternity of any illegitimate child shall be established by mutual agreement of the mother and any person whose relations have been sufficiently intimate with her to warrant the conclusion. It may also be established by the confession or admission of the father, when not denied by the mother; and when not so established it shall be susceptible of proof in such manner and of such character as the court before whom an action for that purpose is brought may determine. The mother of the child shall be admitted as a witness in support of the complaint, and may be compelled to testify. No complaint shall be withdrawn, dismissed, or settled by agreement of the mother and putative father.

SEC. 766. *Parent guilty of misdemeanor; when—Punishment—Custody of child.*—The parent of any illegitimate child who abandons, refuses, or neglects to support such child shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty (\$50) dollars, nor more than three hundred (\$300) dollars, and in default of the payment of such fine, shall be imprisoned in the county jail until such fine shall be paid, at the rate of two dollars per day for the term of such imprisonment. The court may also adjudge that the putative father stands charged with the maintenance of said child, with the assistance of the mother; but nothing in this act shall be so construed as to take from the mother the custody of her child. Whenever the court shall make such order, any refusal or neglect of said putative father to comply with the order of the court shall be deemed a contempt of court, and punished as other cases are for contempt.

**SEC. 2339. Marriage—Legal age—Consanguinity—Consent of parents.**—Male persons of the age of eighteen years, and female persons of the age of sixteen years, not nearer of kin than second cousins or cousins of the half-blood, and not having a husband or wife living, may be joined in marriage: *Provided, always,* That male persons under the age of twenty-one years and female persons under the age of eighteen years, shall first obtain the consent of their fathers, respectively, or in case of the death or incapacity of their fathers, then of their mothers or guardians: *And provided, further,* That nothing in this act shall be construed so as to make the issue of any marriage illegitimate if the person or persons shall not be of lawful age.

**SEC. 2351. Illegitimate children legitimized.**—Illegitimate children shall become legitimized by the subsequent marriage of their parents with each other.

**SEC. 5833. When illegitimate child deemed adopted by conduct of father—Effect—Acknowledged by father becomes legitimate from birth.**—The father of an illegitimate child, by publicly acknowledging it as his own, or receiving it as such, with the consent of his wife, if he is married, into his family, or otherwise treating it as his legitimate child, thereby adopts it as such; and such child shall, thereupon and thenceforth, be deemed, for all purposes, legitimate from the time of its birth. The provisions of the foregoing sections of this act do not apply to such an adoption, except as specified in section 4 of this act.

**SEC. 6117. Illegitimate child; inheritance of—Acknowledgment by father—Issue of Inheritance; legitimation; void marriages and divorce.**—Every illegitimate child shall be considered as an heir of the person who shall acknowledge himself to be the father of such child by signing in writing a declaration to that effect in the presence of one credible witness, who shall sign the declaration also as a witness, and shall in all cases be considered as heir of the mother, and shall inherit in whole or in part, as the case may be, in the same manner as if born in lawful wedlock. The issue of all marriages deemed null in law or dissolved by divorce shall be legitimate.

**SEC. 6118. Heirs of illegitimate child.**—If any illegitimate child shall die intestate, without lawful issue and shall not have been acknowledged as above provided, his estate shall descend to his mother, or, in case of her decease, to her heirs at law.

**NOTE ON ADOPTION.**—The mother of the illegitimate child is recognized for purposes of consent (secs. 5828, 746); also for purpose of notice in the Juvenile Court law. (Sec. 731.)

**NOTE ON BIRTH REGISTRATION.**—Certificate states whether child is legitimate or illegitimate. (Sec. 2965.)

**NOTE ON WORKMAN'S COMPENSATION LAW.**—Dependents include children the age of eighteen years, "whether legitimate or illegitimate." (Laws 1917, ch. 233, sec. 26.)

## NEW HAMPSHIRE.

Public Statutes, 1901.

### Ch. 83. Settlement of paupers.

**SECTION 1. III. Illegitimate children shall have the settlement of their mother at Residence. the time of their birth, if any she has within the State.**

### Ch. 87. Maintenance of bastard children.

**SEC. 1.** If any woman is pregnant with a child which, if born alive, may be a bastard, she may make complaint in writing, under oath, to any justice of the peace, against any man, charging him with having begotten the child; and the justice may thereupon issue his warrant commanding the person so charged to be brought before some justice of the peace in and for the county in which the offense is alleged to have been committed, or in which the person so charged may reside.

**SEC. 2.** The justice before whom the person shall be brought may order him to recognize in a reasonable sum, with sufficient sureties to the satisfaction of the justice, to appear at the trial term of the superior court next to be holden within and for the county in which the offense is charged to have been committed, or in which the person so charged may reside, to answer to the complaint and to abide the order of the court thereon, and in default thereof may commit him until the order is performed. (As amended by Laws 1907, ch. 58.)

Sec. 3. The justice shall make a certified copy of each paper in the case, and deliver the same to the complainant, or return the same to court on or before the first day of the term aforesaid; and the complaint shall be entered at such term, and tried by the court, unless either party requests a jury; in which case it shall be tried by a jury, and the issue shall be, chargeable or not chargeable.

Sec. 4. If any man is found chargeable, the court shall order him to pay such sum as they deem reasonable, to the mother of the child or to the selectmen of the town liable by law for the maintenance of the child, to be applied for such maintenance, and also to pay costs of prosecution; and the court may order him, or the mother, or both, to give security to save the town harmless from all charge for the maintenance of the child. Any person who shall neglect or refuse to obey any such order may be committed until the same is obeyed.

Sec. 5. If any woman, after having made her complaint, shall abandon the same, the town liable, upon application to the court or justice in writing, made by their selectmen, agent, or attorney, shall be admitted to prosecute the complaint, a record whereof shall be made; and all subsequent proceedings shall be the same as if the complaint had been instituted originally by the town.

Sec. 6. If the mother of a bastard child neglects or refuses to make complaint, or having made complaint neglects to prosecute the same in court, or shall, in the opinion of the selectmen of any town liable, make a false complaint, any justice of the peace to whom complaint may be by said selectmen, at any time before the expiration of one year from the birth of the child, against any man, charging him with having begotten such bastard, may issue his warrant directing such person to be brought before some justice of the peace in the county in which the offense was committed or in which the offender may reside.

Sec. 7. The complaint shall be in the name of the town, and the proceedings thereon shall be the same in all respects as if the mother had complained. If found chargeable, the father shall be ordered to give security to save the town harmless from the maintenance of such child, pay all costs of prosecution, and stand committed until the order shall be performed.

Sec. 8. Whenever any town is a party to such prosecution, and the party accused shall be found not chargeable, he shall recover his costs against the town.

Sec. 9. The county commissioners shall have the same power to institute, prosecute, and control any such complaint, where the woman is or may be a county pauper, as selectmen of towns have in the case of town paupers; and the county shall be liable for costs when the accused is found not chargeable.

Sec. 10. If any person committed to prison by virtue of this chapter is poor, and unable to pay such sum or to procure such security as may be ordered, any justice of the supreme court, upon application in term time or vacation, may discharge such person from imprisonment at such time and upon such terms as he thinks expedient.

Sec. 11. Whenever a warrant shall be issued by any justice, and the person charged therein shall, either before or after the issuing thereof, escape or go out of the county, the sheriff thereof or his deputy, or any constable of the town to whom such warrant shall be directed, may pursue such person, and apprehend him in any county, and carry him before any justice in the county in which he was apprehended for examination.

Sec. 12. If it appear to the justice that the warrant was duly issued, and that the person did escape or go out from such other county as aforesaid, he shall thereupon issue his warrant, directed to such sheriff, deputy, or constable, commanding him to carry the person before some justice in the county from which he had so escaped or gone out, for trial, that such further proceedings may be had thereon as the law requires.

#### Ch. 174. Marriages.

Sec. 3. Every marriage contracted by parties within the degrees prohibited by the two preceding sections is incestuous and void, and the issue of such marriage illegitimate.

#### Void marriages.

Sec. 18. Where the parents of children born before marriage afterwards intermarry, and recognize such children as their own, such child shall be legitimate and shall inherit equally with their other children under the statute of distribution.

#### Legitimation.

#### Ch. 175. Divorce.

Sec. 7. No decree of divorce shall affect the legitimacy of a child born or begotten in lawful matrimony, unless it shall be so expressed in the decree.

#### Divorce.



## Ch. 196. Descent: distribution.

**SEC. 4.** The heirs of a bastard in the ascending and collateral lines, shall be the mother and her heirs; and bastards and their issue shall be heirs of the mother and her kindred (as amended by Laws 1905, Ch. 4.)

**Inheritance.** **SEC. 5.** When the mother of a bastard dies, her real estate shall descend and her personal estate be distributed in equal shares to her legitimate and illegitimate children and their issue.

## Ch. 278. Homicide.

**SEC. 14.** If any woman shall be privately delivered of a child, which if born alive would be a bastard, and shall endeavor privately to conceal its death and the manner or cause thereof, she shall be imprisoned **Concealment of** not exceeding two years, or be fined not exceeding two thousand **births and deaths.** dollars.

## Laws of 1911, Ch. 134.

**SEC. 12.** The mother of an illegitimate infant under three years of age, who is a resident of this State, and who has previously borne a good character, may, in writing, signed by her, and with the consent of said State board of charities and correction, give up such infant to said board for adoption; and said State board, if it deems such action for the public interest, may in its discretion and on such conditions as it may impose, receive such infant and provide therefor. Such surrender by the mother shall operate as a consent by her to any adoption subsequently approved by said board.

**Surrender of custody to State board.** **NOTE ON ADOPTION.**—The mother of an illegitimate child is recognized for purpose of consent. (Public Statutes 1901, ch. 181, sec. 2.)

**NOTE ON ABANDONMENT LAW.**—Any person who shall \* \* \* without lawful excuse desert or wilfully neglect or refuse to provide for the support and maintenance of his or her legitimate or illegitimate minor child or children under the age of sixteen years in destitute or necessitous circumstances shall be guilty of a crime and on conviction thereof shall be punished by fine not exceeding three hundred dollars (\$300) or imprisonment for a term not exceeding fifteen months, or both such fine and imprisonment, in the discretion of the court. (Laws 1913, ch. 57, sec. 1.)

## NEW JERSEY.

## Compiled Statutes, 1910 (and Supplement 1911-1915).

Bastards, p. 184. An act for the maintenance of bastard children (revision of 1893).

## I. PROCEEDINGS TO APPREHEND PUTATIVE FATHER OF BASTARD.

**SECTION 1. Overseer of poor to apply to magistrate.**—If any woman shall be delivered of a bastard child, which shall be chargeable or likely to become chargeable to any township; or shall declare herself to be pregnant of a child likely to be born a bastard, and to become chargeable to any township, any overseer of the poor of the township where such woman may be, or of the township wherein the legal settlement of such woman may be, may apply to a magistrate of the same county wherein such woman may be, to make inquiry into the facts and circumstances of the case. (P. L. 1898, p. 959.)

**Illegitimacy proceedings.** **SEC. 2. Examination of mother—Warrant against reputed father.**—Such magistrate shall, by the examination of such woman on oath, and upon such other testimony as may be offered, ascertain the father of such bastard, or of such child likely to be born a bastard; and shall thereupon issue his warrant, directed to any constable or police officer of the county, commanding him forthwith to apprehend such reputed father, and to bring him before such magistrate, for the purpose of having an adjudication respecting the filiation of such bastard, or of such child likely to be born a bastard. (P. L. 1898, p. 959.)

**SEC. 3. Proceedings against reputed father if out of county.**—If the person charged as such reputed father shall be or reside in any other county of the State than that in which such warrant shall be issued, the magistrate issuing the same shall, in writing thereupon, direct the sum in which any bond shall be taken of the party so charged, and it shall be the duty of the person serving said warrant to carry it to some magistrate of the county wherein such person resides, or can be found; the magistrate to whom the same shall be presented, on proof being made to him of the handwriting of the magistrate who issued such warrant, shall indorse his name thereon, with an authority to arrest such person in the county where the magistrate so indorsing shall reside, which shall be a sufficient authority to the officer bringing such warrant in the county where it shall be indorsed so to do. (P. L. 1898, p. 960.)

**SEC. 4. Bond to be taken by magistrate—Discharge thereon—Proceedings if no bond taken before magistrate.**—Upon the party so charged being apprehended, he shall be carried before the magistrate who indorsed the said warrant, or some other magistrate of the same county, who may take from such person a bond to the State of New Jersey, with good and sufficient surety or sureties in the sum so directed on the said warrant, for his appearance at a time therein stated before the magistrate who issued said warrant, and thereafter from time to time as said magistrate shall direct, and thereupon the magistrate taking said bond shall discharge the person so apprehended from arrest and shall indorse upon the warrant a certificate to that effect; he shall deliver the warrant, with the bond so taken by him, to the officer who brought such warrant; who shall deliver the same to the magistrate who granted the same; who shall proceed thereupon in the same manner as if such bond had been taken by him; and if no such bond be given, then the officer having the warrant shall take such person before the magistrate who originally issued the warrant. (P. L. 1898, p. 960.)

## II. EXAMINATION BEFORE MAGISTRATES.

**SEC. 5. Examination.**—Upon the person so charged, appearing or being brought before the magistrate who issued the warrant for his apprehension, whether he was arrested in the same or any other county, the said magistrate, if the party charged does not demand a trial by jury, shall proceed, without unnecessary delay, to make examination of the matter; and shall examine the mother of such bastard, or the woman so pregnant as aforesaid, on oath, in the presence of the person so charged, touching the father of such child, and shall hear any proofs that may be offered in relation thereto; and, on application, the magistrate shall issue subpoenas to compel the attendance of witnesses before him, which shall have the same effect as if they were issued in the court for the trial of small causes. (P. L. 1898, p. 961.)

**SEC. 6. Trial by jury, if demanded.**—If the person charged shall, before such examination is entered upon, deny that he is the father of such bastard child, or of such child likely to be born a bastard, and shall demand a trial by jury, it shall be the duty of the said magistrate to issue a venire facias to any police officer or constable of said county to summon a jury of twelve men competent as jurymen, according to law, to be and appear before said magistrate at such time and place as shall be expressed in said writ, to make a jury for the trial of such accusation made against said person, of being the father of such child; a return of which jurors shall be made, as in cases arising under the act for the trial of small causes, and as to any or all of whom the same right of challenge shall belong to both parties, that exist in civil cases at law; and said magistrate shall proceed to impanel and swear such jury, and swear the witnesses produced to establish and rebut such accusation, and the said accusation shall thereupon be tried as in cases in courts of common law before such jury: *Provided*, That at the time of making application or demand for a trial by jury, the person so applying for or demanding such trial by jury shall pay to the said magistrate the fees or costs required for the issuance of the venire and the costs of such jury, which said costs shall include the fees of the jurors to be empaneled. (P. L. 1898, p. 961, as amended P. L. 1902, p. 680.)

**SEC. 7. Adjournment—Bond for appearance or commitment.**—If sufficient reasons are given therefor, the said magistrate may adjourn said hearing or trial for any time not exceeding six weeks, and if no bond has previously been given, said magistrate shall take a bond with sureties, if the same shall be tendered, from the person so charged for his appearance at such time, before him, in the penalty hereinafter directed; if no bond be given, the said magistrate shall commit the said person charged to the jail of said county, there to remain until said day of adjournment. (P. L. 1898, p. 961.)

**SEC. 8. Finding—Discharge of person charged, or order of filiation thereon.**—At the trial aforesaid, the said magistrate, or the said jury, in case a jury has been demanded, shall decide whether the person so charged is the father of such bastard, or of such child likely to be born a bastard; if the decision is that he is not the father of such bastard, or child likely to be born a bastard, he shall be forthwith discharged; but if the decision is that he is such father, the said magistrate shall make an order of filiation, in which he shall specify the sum to be paid weekly, or otherwise, by such putative father, for the support of such bastard, or of such child likely to be born a bastard, after the same shall be born; if the mother of such child be in indigent circumstances he shall determine the sum to be paid by such putative father for the sustenance of such mother during her confinement; he shall certify the reasonable expenses of apprehending the said father, and of the trial and order of filiation; and he shall reduce his proceedings to writing and subscribe the same. (P. L. 1898, p. 962.)

SEC. 9. *Reputed father to pay costs, and give bond.*—Such person so adjudged to be the reputed father shall, upon notice of such order, immediately pay the amount so certified for the costs of apprehending him, and of the trial and order of filiation; and shall also enter into bond to the State of New Jersey in such sum as such magistrate shall direct, with good and sufficient surety or sureties, to be approved by him, conditioned that such person will obey and comply with the said order of filiation so made against him, and will indemnify each and every of the townships of this State which may have incurred any costs of expense for the support of such bastard, or child likely to be born a bastard, or of its mother during her confinement, or from any proceedings arising therefrom. (P. L. 1898, p. 962.)

SEC. 10. *Discharge from arrest on giving bond, or commitment.*—Upon such bond being executed to the satisfaction of said magistrate, he shall discharge such person from arrest; but if he refuses or neglects to execute such bond, or to pay the costs and charges so certified, he shall be committed by such magistrate to the “penitentiary or” common jail of the county, there to remain until he shall pay such costs and charges and execute such bond, or until discharged according to law. (P. L. 1898, p. 962, as amended P. L. 1904, p. 58.)

SEC. 11. *Penalty of bond.*—The penalty of every bond which shall be taken for the appearance of any such reputed father, or for indemnifying the townships, shall, in all cases, be such a sum as shall insure a full indemnity to every township in the State for the expense that has been, or which may be, incurred by reason of supporting such bastard and its mother during her confinement and the costs of all proceedings connected therewith. (P. L. 1898, p. 963.)

### III. APPEAL TO SESSIONS.

SEC. 12. *Appeal—Notice—Notice of hearing.*—Any person so charged as aforesaid, or any township, that may deem himself or itself aggrieved by the finding of the magistrate or of the jury, or order of any magistrate, may, within five days thereafter, upon written notice to such magistrate, appeal therefrom to the court of quarter sessions of the county wherein such trial was had, and such case may be brought to hearing before said court on ten days’ notice to the other side, or as soon thereafter as said court can hear the same, and such appeal shall not operate as a stay to any order of filiation made by the magistrate before whom such case was tried. (P. L. 1898, p. 963.)

SEC. 13. *Magistrate to send up papers.*—In case of appeal the said magistrate shall send any bond which has been taken from the person charged, to the clerk of said court of quarter sessions, immediately after receiving said notice of appeal, together with the order of filiation and sustenance aforesaid and all the papers connected therewith. (P. L. 1898, p. 963.)

SEC. 14. *Proceedings on appeal—Evidence if mother dead, etc.—Trial by jury if demanded—No new bond for appearance required.*—The said court to which such appeal shall be made shall have full cognizance of the case, and shall proceed to hear the allegation and proofs of the respective parties, the burthen of proof being upon the township as it was before said magistrate; if the mother of any bastard be dead, or is insane, or has left the State, the testimony given by her on her examination shall be received in the same manner as if she were present and testified to the same; the court shall have power to adjourn the hearing from time to time, on sufficient cause shown; at the request of either party the case shall be tried before a jury in the same manner as before said magistrate; and no new bond for the appearance of the person so charged before said court shall be required of him, but the sureties on the bond given before the magistrate shall remain liable for his appearance before said court. (P. L. 1898, p. 963.)

SEC. 15. *Decision and discharge thereon of person charged, or examination of order of filiation—Order not to be quashed for defect in form.*—If on the trial of said appeal it is decided that the said person charged is not the father of such bastard or child likely to be born a bastard, he shall be forthwith discharged from his imprisonment, or if he has given a bond it shall be cancelled by order of the court; but if the decision be against the party charged, the court shall proceed to examine the order of filiation or sustenance, and may reduce or increase the sum directed by such order to be paid; but the same shall not be quashed for any defects in the form thereof, but may be amended by the court according to the facts and justice of the case. (P. L. 1898, p. 964.)

SEC. 16. *Person charged, on decision against him, to pay costs and expenses and give bond, or be committed.*—If the decision of such court is against the person so charged, he shall pay such costs and expenses as the court shall adjudge, to be paid by him forthwith, and shall enter into a bond to the State of New Jersey in such amount as the court shall order, with approved surety or sureties, with a condition similar in substance with the condition set forth in section nine of this act; if he shall neglect or re-

fuse to pay such costs and expenses and execute such bond he shall be committed to the common jail of the county, there to remain until he shall pay the same and execute the bond aforesaid, or be discharged by said court in the manner hereinafter provided; and upon such payment of said costs and expenses and the execution of such new bond, or such commitment in default thereof, any bond he may have previously given pursuant to the ninth section of this act shall be cancelled by order of the court, and shall thereby become null and void. (P. L. 1898, p. 964, as amended P. L. 1900, p. 338.)

SEC. 17. *Bond for appearance forfeited, on failure to pay costs and expenses and give bond required.*—If the person against whom such decision was rendered shall depart the said court without paying such costs and expenses or executing the bond in the next preceding section required, or without being discharged by the said court, his said bond, with condition to appear, before the magistrate who issued the warrant, shall be thereby deemed to be forfeited, and may be prosecuted as directed in the next section. (P. L. 1898, p. 964.)

#### IV. BONDS AND SUITS THEREON, ETC.

SEC. 18. *Breach of bond; prosecution thereon—Assignment of breaches—What constitutes breach—Damages—Scire facias on further breaches—Application of section to previous bonds.*—When any bond shall be taken as hereinafter mentioned, and any breach shall happen in the condition thereof, the same may be prosecuted by the prosecutor of the pleas of the county in which proceedings were originally taken under this act, or by the counsel or attorney of any township at whose instance such proceedings were originally taken, which suit shall be in the name of the State of New Jersey, and judgment, if it passes against the defendants, shall be for the penalty thereof; in such actions the breaches shall be assigned as in actions brought on bonds with condition other than for the payment of money, and the same proceedings shall be had in all respects; it shall not be necessary to prove the actual payment of money by any township or overseer of the poor, but the neglect to pay any sum which shall have been ordered to be paid by any competent authority under this act, shall be deemed a breach of the conditions of such bond, and the amount of damages to be assessed in such case shall be the sum which was so ordered to be paid, and which was withheld up to the time of the commencement of such suit, with interest thereon; for any breaches of such bond which shall happen after the recovery of any damages or the commencement of any suit, a scire facias may issue, upon which the damages shall be assessed from time to time in manner aforesaid; and all moneys which shall be collected on such bond shall be paid to such township or townships as may have incurred or been put to expense in supporting said bastard or its mother during her confinement, or from costs therefrom arising; and the provisions of this section shall be applicable in all respects to all bonds heretofore taken, to perform any order of filiation, in the conditions of which bonds breaches may have happened or shall hereafter happen. (P. L. 1898, p. 965.)

SEC. 19. *Remedy to township where bastard legally settled.*—If, after any order of filiation or sustenance shall have been made by force of this act, the said bastard or it said mother, or both, may be removed to the place of their legal settlement, the township wherein such legal settlement shall be, shall be entitled to the benefit of said order of filiation and sustenance, and of the bond given in the proceedings connected therewith; and shall have the same remedies therein as the township at whose instance the original proceedings were taken. (P. L. 1898, p. 965.)

#### V. GENERAL PROVISIONS.

SEC. 20. *Court may discharge father if indigent.*—Whenever any person shall be committed to prison on conviction of being the father of a bastard, or a child likely to be born a bastard, it shall be the duty of the court of quarter sessions of the county in which such person is in jail, to inquire from time to time into the circumstances and ability of such father to procure sureties to be bound with him; and if the court shall at any time be satisfied that such father is wholly unable to support such child, or to contribute to its support, or to procure sureties, the said court may, in its discretion, order such father to be discharged from such imprisonment. (P. L. 1898, p. 966.)

SEC. 21. *Mother may be compelled to disclose name of father.*—In making the examination hereby authorized, or at the trial, the mother of such bastard or the woman pregnant with such child may be compelled to testify and disclose the name of the father of such bastard or child likely to be born a bastard, and in case of her refusal the said magistrate or said court of quarter sessions may, after she is sufficiently recovered from her confinement, commit her to the common jail of the county as and for a contempt of court. (P. L. 1898, p. 966.)

SEC. 22. *Proceedings against property of absconding parents.*—In case the putative father or the mother of any bastard child shall run out of the township or out of the county, and leave the said bastard child a charge upon the township where it was born or legally settled, although such putative father or mother have estate sufficient to support such child, and to discharge the township, it shall and may be lawful for the overseer of the poor of such township where any bastard child shall be born or settled, to apply to any magistrate in the county where the estate, real or personal, or any part thereof, of such putative father or the mother may be, and by warrant or warrants, under the hand and seal of said magistrate, who is hereby authorized and required to issue the same, to seize and take the goods and chattels, and to let out and receive the annual rents and profits of the lands and tenements of such putative father or the mother, so absconding as aforesaid, for and towards the sustenance, bringing up, and education of such bastard child, so left as aforesaid; and as soon as the said seizure shall be allowed of and confirmed by the court of quarter sessions, it shall and may be lawful for the overseer of the poor of such township, from time to time, and as often as the case may require, to sell and dispose of so much of the said goods and chattels at public vendue, to the highest bidder, and to receive the said rents and profits, or so much thereof as shall be ordered by the said court of quarter sessions, and to apply the money arising therefrom towards the sustenance, bringing up and education of such bastard child so left as aforesaid, and the said overseers of the poor shall be accountable to the court of quarter sessions for all such sum or sums of money as shall or may arise by every such sale or sales, or be by them received for the rents and profits of such lands or tenements. (P. L. 1898, p. 966.)

SEC. 23. *Bastard born in poorhouse.*—Whenever a bastard shall be born in any of the poorhouses of this State, or shall be removed thereto, before any proceedings have been had by virtue of this act, proceedings may be had and taken for the better relief of the board of chosen freeholders, or other authority or authorities having the direction and government of such poorhouse, upon the application of any officer of such poorhouse, or of the keeper thereof, in the same manner as by this act may be had and done for the relief of the township in which a bastard is born. (P. L. 1898, p. 967.)

SEC. 24. *Fees and costs.*—Jurymen and witnesses in attendance before said magistrate shall be subject to such fines and punishments for nonattendance, and other offenses, as are established by law in cases of actions before the inferior courts of common pleas; and jurymen shall receive such pay as is allowed to them for like services in the court for the trial of small causes, and witnesses in attendance shall receive such pay as is allowed to them by law in the inferior court of common pleas; and such magistrates and officers shall receive each such fees for their services as are allowed them for like services in courts for the trial of small causes, the losing party to pay all costs of the suit, as in ordinary cases at law; and when proceedings are removed to the court of quarter sessions the same fees and costs shall be allowed as in trials before the common pleas on appeals in civil cases. (P. L. 1898, p. 967.)

SEC. 25. *"Township" defined.*—The term "township," made use of in this act, shall be construed to comprehend city, town corporate, borough, village, precinct and ward respectively. (P. L. 1898, p. 968.)

SEC. 26. *Warrant and arrest on Sunday.*—It shall be lawful for any magistrate on the first day of the week (commonly called Sunday), on proper application and examination, to issue his warrant, or to indorse the warrant of any other magistrate, for the apprehension of any reputed father of a bastard child or a child likely to be born a bastard; and it shall be lawful for any constable or police officer having a warrant issued for the apprehension of any person so charged to arrest such person on the first day of the week (commonly called Sunday) or on any other day. (P. L. 1898, p. 968.)

SEC. 27. *Person arrested may be taken before magistrate, and bond given on Sunday.*—When any such person shall be so arrested it shall be lawful for the constable or police officer to carry such person on the same day before the magistrate issuing or indorsing the warrant, as the case may be, whereupon the usual proceedings as required by this act may be had; and any and all proceedings had and taken on the return of such warrant shall be as legal and valid as if had and taken on any other day of the week; and if a bond be given it shall be of the same force and effect as if given on any other day. (P. L. 1898, p. 968.)

SEC. 28. *In cities, proceedings in police courts.*—In all cities of this State having police courts, criminal courts or a recorder's court, all proceedings that are directed or authorized by this act, shall be had in such courts; and the justice or judge of said courts shall have full power to take action in the matter, and to hear, try and determine the case; and in such cities no justice of the peace shall hereafter have any jurisdiction over cases arising under this act. (P. L. 1898, p. 968.)

Sec. 29. *Fees in cities.*—Where the police justice, judge of a criminal court or recorder in any city is paid a fixed salary out of the city treasury, all fees received by him for his services under this act shall be paid into the city treasury; and when the arrest is made by any police officer of any city receiving a fixed salary out of the city treasury, all fees to which he would be entitled for services under this act shall be paid into the city treasury; such payment into the city treasury of fees as received, shall be made in such manner as the common council, or other governing body, of such city may direct. (P. L. 1898, p. 968.)

Sec. 30. *"Magistrate" defined.*—The word "magistrate," as used in this act, shall be deemed and understood to mean and include all justices of the peace, judges of city criminal courts, police justices, recorders and all other officers having the powers of a committing magistrate. (P. L. 1898, p. 969.)

Sec. 31. *Repealer—Pending proceedings not to abate.*—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and no proceeding now pending shall abate by reason of the passage of this act, but every such proceeding shall continue under the provisions of this act. (P. L. 1898, p. 969.)

Sec. 32. *Inquiry into qualifications of surety—Court may order new bond.*—Sec. 1. After any bond has been entered into for the performance of any order of filiation, the overseer of the poor of any township or other municipality upon which the bastard child may be or become chargeable may apply to the court of quarter sessions of the county in which such township or other municipality may lie to inquire into the qualifications of the surety or sureties upon said bond, and said court may, upon such notice as it may deem proper, order a new bond with good and sufficient surety and with a condition similar to the one replaced by it to be given whenever the surety or sureties may have died or shall not then be satisfactory to the court. (P. L. 1904, p. 389.)

Sec. 33. *Replaced bond void except as to arrears—Commitment on failure to give new bond.*—Sec. 2. Upon such new bond being executed to the satisfaction of said court, the bond replaced by it shall no longer secure payments which may thereafter become due, but said old bond shall still be valid as to any arrears of payments up to the time when the new bond is executed; if the putative father shall fail to give said bond so ordered, the said court may in its discretion commit said person to the common jail or the penitentiary of the county, there to remain until he shall comply with said order or be discharged by said court in the manner provided in the act to which this is a supplement. (P. L. 1904, p. 389.)

Sec. 34. *Person discharged for inability, becoming able to secure bond or comply with order—Proceedings—Commitment.*—Sec. 3. Whenever any person shall, on account of inability to secure a bond or comply with the order of filiation, have been discharged from imprisonment and shall have become able to secure such bond or to comply with such order, the said court may, on application of the overseer of the poor of any township or other municipality which may be interested in the order and upon at least three days' written notice to such person, served upon him personally or left at his place of abode, inquire into the circumstances and ability of the putative father, and if it shall appear that such father shall have become able to secure such bond, or to comply with such order of filiation, may in its discretion commit such father to the common jail or penitentiary of the county, there to remain until he shall secure such bond and comply with such order and pay all costs, or be discharged by said court in the manner provided in the act to which this is a supplement. (P. L. 1904, p. 389.)

Laws of 1912, ch. 103 (Supplement 1911-1915, p. 45). A further supplement to an act entitled "An act for the maintenance of bastard children" (revision of 1898).

Sec. 1. All bonds entered into for the appearance of the party charged before the magistrate or court on any bastardy proceedings, or on appeal therefrom, or for the performance of any order of filiation, shall be recorded in the clerk's office of the county in which the proceedings are pending, and upon being so recorded, shall have the force and effect of a recognizance; copies of said bonds duly certified by said clerks under seal of office shall be received as evidence in any court of this State, and be as good and available in law as if the original bonds were then and there produced and proved.

Sec. 2. It shall be the duty of the magistrate or court by whom any such bond shall be taken, to cause the same to be forthwith recorded as above provided, and to require the party offering the same to pay the legal fees for recording the same before accepting such bond.

Sec. 3. Upon satisfactory proof before any court in which the suit or proceedings wherein the said bond has been taken are pending, that the conditions of said bond have been fully complied with, it shall be the duty of the said court to order that the

said bonds shall be discharged of record, and thereupon the same shall be discharged in the book kept by the said county clerk for recording the same.

SEC. 4. The provisions of this act are hereby extended to all such bonds heretofore taken and now in force.

Acts of 1913, ch. 331 (Supplement 1911-1915, p. 801). A supplement to an act entitled "An act concerning minors, their adoption, custody and maintenance" (revision of 1902).

SEC. 1. The mother of an illegitimate child (whether married or single) shall have the exclusive right to its custody and control and the putative father of such child shall have no right of custody, control or access to such child without the mother's consent: *Provided*, That if it is proved that the mother is unfit to have the custody and control of such child, then it shall be lawful for the court of chancery or any other court which may have jurisdiction in the premises to make any order touching the custody or control of such child which might heretofore have been made.

SEC. 2. This act is intended to be declaratory of the existing law upon this subject, and it shall, under no circumstances, be construed as an implication that the rights of such a mother have hitherto been less than as hereinabove defined.

Compiled Statutes, 1910

Poor, p. 4012.

SEC. 4. *Settlements of bastard children.*—Whereas single women with child often remove from the places of their settlement, and are delivered of bastard children in distant townships, whereby such townships are unjustly liable to, and often made chargeable with the support of such bastard children: *Be it therefore enacted*, That all bastard children shall hereafter be deemed, esteemed and taken to be settled in the place of the last legal settlement of the mother of such bastard child or children, any law, usage or custom to the contrary notwithstanding.

*Place of settlement and relief of poor person.*—Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she have any within this State. (Supplement 1911-1915, p. 1176. Laws 1911, ch. 196, sec. 9 (d), as amended by Laws 1912, ch. 14.)

Crimes, p. 1734.

SEC. 118. *Concealment of pregnancy and birth.*—Any woman who shall conceal her pregnancy, and shall willingly and of purpose be delivered in secret by herself, of any issue of her body, male or female, which shall by law be a bastard; any woman who shall endeavor privately, by drowning or secret burying, or in any other way, either by herself or the procurement of others, to conceal the death of any such issue of her body, which, if it were born alive, would by law be a bastard, so that it may not come to light, whether it were born alive or not, or whether it were murdered or not, her aiders, abettors, counselors, and procurers, shall be guilty of a misdemeanor. (P. L. 1898, p. 827, as amended by P. L. 1906, p. 95.)

Divorce, p. 2022.

SEC. 1. \* \* \*  
*Effect of decree on legitimacy of issue.*—The decree of nullity of marriage shall not render illegitimate the issue of any marriage so dissolved, except where the marriage is dissolved because either of the parties had another wife or husband living at the time of a second or other marriage. Such marriage shall be deemed void from the beginning, and the issue thereof shall be illegitimate.

Descent, p. 1923.

SEC. 13. *Inheritance to go to the mother of illegitimate person.*—When any illegitimate person shall die seized of any lands, tenements, or hereditaments, in his or her own right, in fee simple, without devising the same in due form of law, and without leaving lawful issue (and leaving a mother), then the inheritance shall go to the mother of the person so seized; and if the mother shall have died before such illegitimate person, then the inheritance shall go to the heirs-at-law of said mother: *Provided, always*, That nothing contained in this act shall be construed or taken to bar or injure the rights or estate of a husband, as a tenant by the courtesy, or a widow's right of dower, or to make void or in any way affect any marriage settlement: *And provided, further*, That nothing herein contained shall be operative or have any

effect in any case or cases wherein any proceedings have been had or taken, or are now pending on behalf of the State, under and by virtue of the law as now existing, to escheat said lands; nor shall this act affect or in any wise impair any title to any land heretofore obtained under and by virtue of any proceedings heretofore had and taken in pursuance of law. (As amended by Laws 1917, ch. 246, sec. 13.)

Supplement 1911-1915, p. 1155. Distribution, p. 3874.

SEC. 169. *Representation of mother by illegitimate children.*—V. If the mother of any illegitimate child or children not embraced within the class mentioned in paragraph VI hereof, shall die without leaving a husband surviving her, and leaving no lawful issue, or the issue of any, then the surplusage of her goods, chattels and personal estate shall be distributed equally to and among such illegitimate child or children.

*Distribution of personal estate to illegitimate children.*—VI. In any and every case where the father and mother of a child or children heretofore or hereafter born out of lawful wedlock have heretofore entered or shall hereafter enter into the bonds of lawful wedlock, and shall have cohabited or shall cohabit as husband and wife after such marriage, and such child or children shall have resided with, been recognized and treated by such parents as their child or children, then and in every such case every such child shall be entitled to share in the estate of such father and mother equally with the legitimate child or children of such intestate: *Provided, however,* The provisions of this act shall not apply where the estate of such father or mother shall have been distributed before this act shall take effect.

*Distribution of estate of illegitimate person.*—VII. The whole surplusage of the goods, chattels and personal estate of any illegitimate person who shall die intestate and unmarried, and leaving no lawful issue, or the issue of any, him or her surviving, shall go to and be paid over to the mother of such illegitimate person; and if the mother shall have died before such illegitimate child, the next of kin of the mother shall take in the same manner as though the deceased child had been legitimate. (As amended by Laws 1914, ch. 47, and by Laws 1918, ch. 63.)

Laws of 1915, ch. 173 (Supplement 1911-1915, p. 46). An act to provide for the legitimation of bastard children.

SEC. 1. Any child heretofore or hereafter born out of the bonds of matrimony shall become legitimated whenever the natural parents of such child shall have married the one with the other, or shall hereafter so marry each other, and such child shall have been or shall be recognized and treated by such parents as their child.

SEC. 2. Any such child so legitimated as aforesaid shall be entitled to all the rights and privileges such child would have enjoyed had he been born after any such marriage, the intention of this act being that the status of any such child after such marriage of his natural parents shall be the same as if such child were born within wedlock.

*Marriage in criminal charges.*—In all cases wherein any person shall be arrested upon a criminal charge, involving an accusation of bastardy, rape, fornication, or of having had carnal knowledge of an unmarried female, and the accused person consents to marry such female, such marriage may be performed immediately, after obtaining a marriage license. (Supplement 1911-1915, p. 928. Laws 1914, ch. 5, sec. 1.)

*Abandonment by mother a misdemeanor.*—The mother of any minor child or children dependent upon her for necessary care or support who willfully deserts or abandons such child or children shall be deemed guilty of a misdemeanor. (Laws 1916, ch. 45, sec. 1.)

NOTE.—Police justices' jurisdiction in cases of bastardy (Compiled Laws, p. 3981, sec. 35).

NOTE.—Jurisdiction of recorder in cases of bastardy (Compiled Laws, p. 4004, sec. 133).

NOTE ON WORKMEN'S COMPENSATION LAW.—Illegitimate children presumed to be dependent when part of decedent's household at time of his death. (Supplement 1911-1915, p. 1645. Laws 1914, ch. 244.)



## NEW MEXICO.

Statutes, 1915.

**SECTION 17.** An illegitimate child can not be adopted without the consent of its mother, if known or capable of consent.

**SEC. 1850.** Illegitimate children shall inherit from the mother and the mother from the children; they shall inherit from the father whenever they have been recognized by him as his children, but such recognition must have been general and notorious, or else in writing, and if such recognition be in writing it must have been signed by the reputed father in the presence of at least two competent witnesses and must be such as to show upon its face that it was so signed with the intent of recognizing such children as heirs. (As amended by Laws 1915, ch. 69.)

**SEC. 1851.** *Illegitimate children—Inheritance by parents.*—Under such circumstances, if the recognition of relationship has been mutual, the father may inherit from his illegitimate children, but in thus inheriting from an illegitimate child, the mother and her heirs take preference of the father and his heirs.

**SEC. 1852.** *Id.—Legitimized by marriage.*—Illegitimate children become legitimate by the marriage of their parents.

**SEC. 2577.** The court of probate shall also have the power to appoint guardians for idiots, and for illegitimate children, and for children whose relations are too poor or otherwise unable to take care of them, or when the father shall have been sentenced to prison for an infamous crime, and in all other cases when it shall appear that a guardian is necessary for the welfare of a minor.

**SEC. 3434.** *Prohibited marriages—Annulment.*—No marriage between relatives within the prohibited degrees or between or with infants under the prohibited ages, shall be declared void, except by a decree of the district court upon proper proceedings being had therein; and in case of minors, no person who may be over the prohibited age shall be allowed to apply for or obtain a decree of the court declaring such marriage void; but such minor may do so, and in the case of a female, the court may in its discretion grant alimony until she becomes of age or remarries; and all children of marriages so declared void as aforesaid, shall be deemed and held as legitimate, with the right of inheritance from both parents; and also in case of minors, if the parties should live together until they arrive at the age under which marriage is prohibited by the statute, then and in that case, such marriage shall be deemed legal and binding.

**NOTE ON INCESTUOUS MARRIAGES.**—The law applies to illegitimate children. (Sec. 3430.)

**NOTE ON WORKMEN'S COMPENSATION LAW.**—The word "child" includes acknowledged illegitimate children. (Laws 1917, ch. 83, sec. 12k.)

## NEW YORK.

Parsons' Code of Civil Procedure, 1918.

**SECTION 1745.** *Action when former husband or wife was living.*—An action to annul a marriage, upon the ground that the former husband or wife of one of the parties was living, the former marriage being in force, may be maintained by either of the parties during the lifetime of the other, or by the former husband or wife. Where it appears, and the judgment determines, that the subsequent marriage was contracted by at least one of the parties thereto in good faith, and with the full belief that the former husband or wife was dead or that the former marriage had been annulled or dissolved, or without any knowledge on the part of the innocent party of such former marriage, the issue of the subsequent marriage, born or begotten before the final judgment, are deemed for all purposes the legitimate children of the parent who at the time of the marriage was competent to contract, and are entitled to succeed as such, in the same manner as other legitimate children, to the real and personal estate of said parent; and the issue so entitled must be specified in the judgment, and the innocent party must be awarded their custody, and he or she is entitled to appoint a guardian of their persons by will.

This section shall be construed to extend to all cases where the judgment or decree of nullity of such subsequent marriage is rendered after the passage of this act whether such subsequent marriage was contracted before or after the passage hereof.

**SEC. 1749.** A child of a marriage, which is annulled on the ground of the idiocy or lunacy of one of its parents is deemed, for all purposes, the legitimate child of the parent who is of sound mind. A child of a marriage, which is annulled on the ground that one or both of the parties had not attained the age of legal consent, is deemed, for all purposes, the legitimate child of both parents.

**SEC. 1759. Divorce.**—Where the action is brought by the wife, the following regulations apply to the proceedings:

**Divorce.**

1. The legitimacy of any child of the marriage, born or begotten before the commencement of the action, is not affected by the judgment dissolving the marriage.

**SEC. 1760. Id.**—Where the action is brought by the husband, the following regulations apply to the proceedings:

1. The legitimacy of a child born or begotten before the commencement of the offense charged is not affected by a judgment dissolving the marriage; but the legitimacy of any other child of the wife may be determined as one of the issues in the action. In the absence of proof to the contrary, the legitimacy of all the children, begotten before the commencement of the action, must be presumed.

Birdseye Consolidated Laws (2d ed.), 1917.

Vol. 5. Penal Law, ch. 40.

**SEC. 1843. Neglect of duty by superintendent or overseer of the poor.**—The county superintendent of the poor, or any overseer of the poor, whose duty it shall be to provide for the support of any bastard and the sustenance

**Support.**

of its mother, who shall neglect to perform such duty, shall be guilty of a misdemeanor, and shall on conviction, be liable to a fine of two hundred and fifty dollars, or to imprisonment not exceeding one year, or by both such fine and imprisonment.

**SEC. 2461. Punishment of woman for concealing birth of issue.**—A woman, who, having been convicted of endeavoring to conceal the stillbirth of an issue of her body, which, if born alive, would be a bastard, or the death of any such issue under the age of two years, subsequently to such conviction endeavors to conceal any such birth or death, is punishable by imprisonment in a State prison not exceeding five years, and not less than two years.

**Concealment of births and deaths.**

Vol. 4. Judiciary Law, ch. 30.

**SEC. 4. Sittings of courts to be public.**—The sittings of every court within this State shall be public, and every citizen may freely attend the same; except that in all proceedings and trials in cases for divorce, on account of adultery, seduction, abortion, rape, assault with intent to commit rape, criminal conversation, and bastardy, the court may, in its discretion, exclude therefrom all persons who are not directly interested therein, excepting jurors, witnesses, and officers of the court.

**Illegitimacy proceedings.**

**NOTE ON INCESTUOUS MARRIAGES.**—The law applies to illegitimate relatives. (Vol. 2. Domestic relations law, ch. 14, sec. 5.)

**NOTE ON BIRTH REGISTRATION.**—Certificate states whether legitimate or illegitimate; also: "full name of father." (Vol. 6. Public health law, ch. 45, sec. 383.)

**NOTE ON WORKMEN'S COMPENSATION ACT.**—"Child" includes an acknowledged illegitimate child dependent upon the deceased. (Vol. 8. Workmen's compensation law, ch. 67, sec. 383 (11).)

Bender's Penal Law and Code of Criminal Procedure, 1918.

Proceedings before magistrates respecting bastards.

**SEC. 838. Definition.**—A bastard is a child who is begotten and born,

**Definition.**

1. Out of lawful matrimony;  
2. While the husband of its mother was separate from her for a whole year previous to its birth; or  
3. During the separation of its mother from her husband pursuant to a judgment of a competent court.

**SEC. 839. Who are liable for its support.**—The father and mother of a bastard are liable for its support. In case of their neglect or inability, it must be supported by the county, city or town chargeable therewith under the provisions of the poor law.

**Support.**

**SEC. 840. Application to inquire into the facts.**—If a woman be delivered of a bastard, or be pregnant of a child likely to be born such, and which is chargeable to a county, city or town, a superintendent of the poor of the county, or an overseer of the poor or other officer of the almshouse of the town or city where the woman is, must apply to a justice of the peace or police justice in the county to inquire into the facts of the case.

**SEC. 841. Examination by the magistrate and warrant against the father.**—The magistrate must, by the examination of the woman on oath, and any other testimony which may be offered, ascertain the father of the bastard, and must issue his warrant, directed

**Illegitimacy proceedings.**

to a peace officer of the county, commanding him, without delay, to apprehend the father and bring him before the justice, for the purpose of having an adjudication as to the filiation of the bastard.

SEC. 842. *Designation of justice and person arrested.*—An officer issuing a warrant or making an examination, as provided in this chapter, is designated as a magistrate, and the person against whom the warrant is issued as the defendant.

SEC. 843. *Proceedings when defendant resides in another county.*—If the defendant reside in another county than that in which the warrant issued, the magistrate must, by an indorsement thereon, direct the sum in which the defendant shall give security, and the officer must deliver the warrant to a justice of the peace or police justice in the city or town in which the defendant resides or is found. The magistrate to whom it is presented, on proof, under oath, of the signature of the magistrate who issued the warrant, must then indorse a direction thereon, that it be served in the county in which he resides, and the defendant may be arrested in that county accordingly. Upon this proof, the magistrate indorsing the warrant is exempted from liability to a civil or criminal action, though it afterwards appear that the warrant was illegally or improperly issued.

SEC. 844. *Undertaking upon arrest.*—When the defendant is arrested in another county, he must be taken before the magistrate who indorsed the warrant, or before another magistrate of the same city or county, who may take from the defendant an undertaking, with sufficient sureties, to the effect:

1. That he will indemnify the county, and town or city, where the bastard was or is likely to be born, and every other county, town or city, against any expense for the support of the bastard, or of its mother during her confinement and recovery, and to pay the costs of arresting the defendant, and of any order of filiation that may be made, or that the sureties will pay the sum indorsed on the warrant; or

2. That the defendant will appear and answer the charge at the next county court of the county where the warrant was issued, and obey its order thereon.

SEC. 845. *Same; when returned; defendant to be discharged.*—When either of the undertakings mentioned in the last section is given, the magistrate must discharge the defendant, and must indorse a certificate of the discharge upon the warrant. He must also deliver the warrant, with the undertaking, to the officer, who must return it to the magistrate granting the warrant, by whom the same proceedings must be had, as if he had taken the undertaking.

SEC. 846. *If undertaking not given.*—If the defendant do not give security, as provided in section 844, the officer must take him before the magistrate who issued the warrant.

SEC. 847. *When magistrate issuing warrant is unable to act.*—If, however, the magistrate who issued the warrant be absent or unable to act, the defendant must be taken before the nearest or most accessible magistrate in the same county. The officer must, at the same time, deliver to the magistrate the warrant, with his return indorsed and subscribed by him.

SEC. 848. *Inquiry to be made by magistrate and associate.*—The magistrate before whom the defendant is brought, as provided in the last two sections, must immediately associate with himself another justice of the peace or police justice in the same county or city; and the two magistrates thus associated, must inquire into the charge, and must examine on oath, the woman who is the mother of or pregnant with the bastard in the presence of the defendant, in respect to the charge, and hear any testimony which may be offered in relation thereto.

SEC. 849. *When adjournment granted; security.*—The magistrates may, on the application of the defendant, for good cause, adjourn the examination, not exceeding thirty days, upon the defendant giving an undertaking, with two sufficient sureties, to the effect that he will appear before the magistrates at the time appointed, or that the sureties will pay the sum mentioned therein, which must be fixed by the magistrates, and which must be a full indemnity for the expense of supporting the bastard and its mother, as provided in section 851. Until the determination by the magistrates, if not admitted to bail, the defendant must be detained in custody of an officer or be committed to the common jail for detention in the same manner as a prisoner arrested in a civil cause.

SEC. 850. *Hearing, decision and order.*—Upon the hearing the magistrates must determine who is the father of the bastard, and must proceed as follows:

1. If they determine that the defendant is not the father of the bastard, he must be forthwith discharged;

2. If they determine that he is the father, they must make an order of filiation, specifying therein the sum to be paid weekly or otherwise by the defendant, for the support of the bastard; and if the mother be indigent, the sum to be paid by the defendant for her support, during her confinement and recovery; and in case said bastard shall die, that the defendant will pay the necessary funeral expenses.

3. They must certify the reasonable costs of arresting the defendant, and of the order of filiation;

4. They must reduce their proceedings to writing, and subscribe them.

SEC. 851. *Defendant to pay costs, and give undertaking for support, or for appearance at the county court.*—If the defendant be adjudged to be the father, he must immediately pay the amount certified for the costs of the arrest and of the order of filiation, and enter into an undertaking, with sufficient sureties approved by the magistrates, to the effect,

1. That he will pay weekly or otherwise, as may have been ordered, the sum directed for the support of the child, and of the mother during her confinement and recovery, or which may be ordered by the county court of the county; and that he will indemnify the county, and town or city where the bastard was or may be born (as the case may be), and every other county, town or city, which may have been or may be put to expense for the support of the bastard, or of its mother during her confinement and recovery, against those expenses, or that the sureties will do so, not exceeding the sum mentioned in the undertaking, and which must be fixed by the magistrates; or,

2. That he will appear at the next term of the county court of the county, to answer the charge and obey its order thereon, or that the sureties will pay a sum equal to a full indemnity for supporting the bastard and its mother, as provided in the first subdivision of section 844.

SEC. 852. *On giving undertaking, defendant to be discharged; otherwise, to be committed.*—Upon a compliance with the provisions of the last section, the magistrates must discharge the defendant; but otherwise, they or either of them must, by warrant, commit him to the county jail, or in the City of New York, to the city prison of that city, until he be discharged by the county court of the county, or deliver an undertaking, as prescribed by the last section.

SEC. 853. *Examination and commitment of defendant.*—During the examination, and until the defendant is discharged by the magistrate, he must remain in the custody of the officer who arrested him, unless an undertaking have been given for his appearance, as provided in sections 844 and 849; and when committed to prison he must be actually confined therein.

SEC. 854. *Proceedings on return of security given out of the county.*—When security taken out of the county, for the appearance of the defendant at the county court, as provided in section 844, is returned to the magistrate who issued the warrant, he must associate with himself another magistrate of the same county, and the magistrates thus associated must proceed as provided in sections 848 to 850 both, inclusive.

SEC. 855. *Examination, and order thereon.*—The examination may be had and the order of affiliation made in the absence of the defendant, unless, before the order is made, he require of the magistrate issuing the warrant that the examination be had in his presence, in which case the examination must be had as if the defendant had originally appeared.

SEC. 856. *How mother compelled to disclose name of father.*—In making an examination authorized by this chapter, the magistrate issuing the warrant, or the magistrates making the examination, may compel the mother of a bastard, chargeable to a county, city or town, or a woman pregnant of a child likely to be born such, to disclose the name of the father of the bastard; or if she refuse to do so, may, by a warrant setting forth the cause thereof, at the expiration of one month from her delivery, if sufficiently recovered, commit her to the county jail, or, in the City of New York, to the city prison of that city, until she disclose the name of the father.

SEC. 857. *If mother possess property, she may be ordered to support the child.*—If the mother of a bastard, chargeable, or likely to become chargeable, as provided in section 840, be possessed of property in her own right, any two magistrates of the county or city where she is, on the application of any of the officers mentioned in that section, must examine into the matter, and may make an order charging the mother with the payment of money weekly, or otherwise, for the support of the bastard.

SEC. 858. *If she do not comply she must be committed, or discharged on undertaking.*—If, after service of the order upon the mother, she do not comply therewith, she must be committed to the county jail, or in the City of New York, to the city prison of that city, until she comply or enter into an undertaking, with sufficient sureties approved by the magistrates, to the effect that she will appear at the next term of the county court of the county, to answer the matters stated in the order, and obey its order thereon, or that the sureties will pay the sum mentioned in the undertaking, and which must be fixed by the magistrates.

SEC. 859. *Magistrates may reduce amount directed to be paid by the father or mother—County court may reduce or increase it.*—The magistrates, who may have made an order against the father or mother of a bastard, as provided in sections 850 and 857, may, from time to time, for good cause, reduce the amount therein directed to be paid, and

upon the application of any of the officers mentioned in section 840, the county court of the county, upon ten days' notice to those officers or to the father and mother of the bastard, may reduce or increase the amount so directed to be paid.

SEC. 860. *Proceedings against absconding father or mother.*—If the father or mother of a bastard, or of a child likely to be born such, abscond from their place of residence, leaving the bastard chargeable, or likely to become chargeable to the public, a superintendent of the poor of the county, or an overseer of the poor or other officer of the almshouse of the town or city where the bastard was born, or is likely to be born, may apply to any two magistrates of the city or county where any property, real or personal, of the father or mother may be, for authority to take the same. Upon due proof of the facts on oath, to the satisfaction of the magistrates, they must issue their warrant, and proceed thereon in the manner provided in Title VIII of this part, in relation to persons absconding and leaving their children chargeable to the public.

*Appeals from the orders of magistrates respecting bastards.*

SEC. 861. *Who may appeal, and in what cases.*—A person deeming himself aggrieved by the order of two magistrates, made pursuant to the last chapter [secs. 838–860], may appeal therefrom to the next term of the county court of the county; except that a person who has executed an undertaking to obey an order of filiation, and indemnify the public, as provided in section 851, can not appeal from any other part of the order mentioned in section 850, than that which fixes the weekly or other allowance to be paid.

SEC. 862. *Appeal; how taken.*—When the father or mother of the bastard has entered into an undertaking for appearance at the next term of the county court of the county, as provided in sections 851 and 858, it is an appeal from the order of filiation or maintenance; and no other notice thereof is necessary. In any other case, the appeal is taken, by a written notice of at least ten days before the court, to the magistrates who made the order, and to the party affected thereby, or to the officer at whose instance it was obtained.

SEC. 863. *Papers to be transmitted by magistrates to county court.*—The magistrates receiving an undertaking for appearance at the county court, must transmit it to the court, before its opening, with a certified copy of the order appealed from.

SEC. 864. *Hearing—Evidence.*—The court must immediately, or at any other time it may appoint, proceed to hear the allegations and proofs of the parties; and the party in whose favor the order was made, must support it by evidence. If the mother of the bastard is dead or insane, her testimony on the examination before the magistrate is receivable in evidence.

SEC. 865. *Powers of court—Undertaking on adjournment, when to be given.*—The court may affirm or vacate an order of filiation or maintenance, or may reduce or increase the sum ordered to be paid for the support of the bastard or its mother; and, disregarding defects in form in the order, must amend it according to the fact. If, when the appeal is heard, the bastard be not born, the court may adjourn the hearing until it be born, and in that case, must take an undertaking from the party appealing, for his appearance, in such sum and with such sureties as the court may deem sufficient.

SEC. 866. *In what cases defendant to be discharged.*—If the woman alleged to be pregnant, be not so, or be married before her delivery, or the child be not born alive, the defendant must be discharged from custody or from the obligation of his undertaking, either by the court or magistrates, upon that fact being made to appear.

SEC. 867. *Order of the court on affirmance.*—If, upon the hearing of the appeal, the county court affirm an order of filiation or maintenance, it must require the defendant to enter into an undertaking, with sufficient sureties approved by the court, to the effect that he will pay, weekly or otherwise, according to the order as made by the magistrate or modified by the court, the sum directed for the support of the bastard, and of the mother during her confinement and recovery; and that he will indemnify the county, and town or city where the bastard was or may be born (as the case may be), and every other county, town or city, which may have been put to expense for the support of the child or of its mother during her confinement and recovery against those expenses, or that the sureties will do so, not exceeding the sum mentioned in the undertaking, and which must be fixed by the court.

SEC. 868. *Commitment of defendant, if he fail to give undertaking.*—If, on judgment of affirmance, the defendant do not enter into an undertaking, as provided in the last section, he must be committed to the county jail, or in the City of New York, to the city prison of that city, until he do so, or be discharged by the court.

SEC. 869. *Undertaking for appearance on appeal; when forfeited.*—The undertaking for the appearance of the defendant at the county court, upon an appeal, is forfeited by his neglect to appear, or to give the undertaking mentioned in the last two sections, unless he be discharged by the court.

Sec. 870. *When mother bound to appear at the county court, to proceed as upon an appeal.*—When the mother of a bastard is bound to appear at the county court, or is committed as provided in section 858, the court must proceed in respect to the matter in the same manner as upon an appeal.

Sec. 871. *When the court may make an order against the mother for the support of the bastard.*—If the court be satisfied that the mother has property in her own right, sufficient to enable her to support the bastard or contribute to its support, it must confirm the order mentioned in section 857, or may vary the sum ordered to be paid weekly or otherwise; or if not, it must discharge her from custody or from the obligation of her undertaking.

Sec. 872. *Proceedings against the mother, on affirmance or modification of such order.*—If the court affirm or modify the order, as provided in the last section, it must require the defendant to enter into an undertaking, with sufficient sureties approved by the court, to the effect that she will pay, weekly or otherwise, according to the order, as made by the magistrates or modified by the court, the sum directed for the support of the bastard, or that the sureties will do so, not exceeding the sum mentioned in the undertaking, and which must be fixed by the court. If the undertaking be not given she must be committed in the manner provided in section 868.

Sec. 873. *Costs on appeal.*—The court must award costs to the party in whose favor an appeal is determined. When awarded against county superintendents or overseers of the poor of a town, not liable for the support of its own poor, they must be paid by the county treasurer, on delivering to him a certified copy of the order and of the taxed costs, and must be charged by him to the town in the same county, liable to support the bastard, or if there be none, to the county. In the City of New York, when costs are awarded upon an appeal, to the person charged as the father or mother of the bastard, they must, upon the production of similar vouchers, be paid by the comptroller of that city, and charged to the appropriation made to the commissioners of charities and corrections thereof.

Sec. 874. *Payment of costs; how enforced.*—In other cases, the payment of the costs may be enforced by the court, as in a civil action. If the party against whom they are awarded, reside out of the jurisdiction of the court, an action may be brought on the order, by the party entitled to the costs, in which the production of a certified copy of the order and of the taxed costs is conclusive evidence.

Sec. 875. *When court may make a new order of filiation, or bind the defendant to appear.*—If the court vacate an order of filiation for any other cause than upon the merits, it must proceed, and may make an original order of filiation, in the manner prescribed in the second subdivision of section 850, or bind the person charged in an undertaking, in a sum and with sureties approved by the court, to appear at the next term of the county court.

Sec. 876. *If order of filiation be vacated, except on the merits, magistrate may proceed anew.*—If the order be vacated for any other cause than on the merits, and the person charged be bound as provided in the last section, the same proceedings may be had by the magistrate for the apprehension of the defendant, and for making an order of filiation, and for the commitment of the defendant for not giving an undertaking, as are authorized in the first instance. And the same proceedings must be subsequently had in all respects.

Sec. 877. *Court to inquire into circumstances of father or mother committed for not giving undertaking.*—When a person is committed to prison, charged as the father of a bastard, or of a child likely to be born a bastard, and when the mother of a bastard is so committed for not giving an undertaking to support the bastard, or to indemnify the public, the court must inquire, from time to time, into the circumstances and ability of the father or mother to support the bastard and to procure security therefor.

Sec. 878. *Father or mother unable to support the bastard may be discharged.*—If the court be at any time satisfied that the father or mother is wholly unable to support the bastard, or to contribute to its support, or to procure security therefor, it may, in its discretion, order the father or mother to be discharged from imprisonment; but if it shall thereafter at any time appear to the satisfaction of the court of general sessions of the County of New York, or to the county court of any other county, that the defendant has become and is able to contribute to the support of the bastard, and fails so to do, the court may revoke and vacate the aforesaid order discharging the defendant from arrest, and may order him to be rearrested and may require him to give a new undertaking in the manner provided in subdivision 1 of section 851 of the code of criminal procedure, and upon his failure to give such undertaking shall commit him to jail in the manner provided in section 852 of the code of criminal procedure.

Sec. 879. *Notice before discharge.*—Before granting the order the court must be satisfied that reasonable notice has been given to the overseers of the poor, or to the county superintendents or chief officers of the almshouse, at whose instance the party

was committed, of the intention to apply for a discharge, and must hear the allegations and proofs of the superintendents, overseers or officers, and may examine the party applying on oath respecting the subject of the application.

SEC. 880. *Party can not be discharged but by the court.*—A person committed, as provided in section 877, can not be discharged from imprisonment, except by the county court of the county.

Enforcement of undertaking for support, or appearance on appeal.

SEC. 881. *Court may order prosecution of undertaking, when forfeited; by whom prosecuted.*—If an undertaking for the appearance at the county court, of a person charged as the father or mother of a bastard, be forfeited, the court may order it to be prosecuted; and the sum mentioned therein may be recovered, and when collected, must, except in the City of New York, be paid to the county treasurer, and by him credited to the town in the same county, liable to the support of the bastard, or if there be none, to the county. In the City of New York, the court must order the undertaking to be prosecuted by the commissioners of charities and corrections, and when collected, it must be paid into the city treasury. In every other county, it must be prosecuted by the district attorney.

SEC. 882. *In whose name to be prosecuted.*—When an undertaking to obey an order, in relation to the support of a bastard, or of a child likely to be born a bastard, or of its mother, is forfeited, it may be prosecuted in the name of the county superintendents of the county or the overseers of the poor of the town, which was liable for the support of the bastard, or which may have incurred any expense in the support of the bastard, or of its mother, during her confinement and recovery; or in the City of New York, in the name of the corporation of that city.

SEC. 883. *Evidence in the action, and measure of damages.*—In the action mentioned in the last section, it is not necessary to prove the actual payment of money by a county superintendent, overseer of the poor, officer of an almshouse, or other person; but the neglect to pay a sum ordered to be paid by competent authority, for the support of the bastard, or of its mother, is a breach of the undertaking, and the measure of the damages is the sum ordered to be paid, and which was withheld at the time of the commencement of the action, with interest thereon.

SEC. 884. *When new action may be brought; disposal of proceeds.*—For a breach of the undertaking, after the recovery of damages or the commencement of an action, another action may, in the same manner, be brought. The money collected upon the undertaking must be paid, and credited, in the manner provided in section 881.

SEC. 885. *Costs against plaintiff, how recovered.*—If, in the action, costs be awarded against the plaintiff, they may be recovered, as follows:

1. If against the corporation of the city of New York, in the same manner as in any other action;
2. If against county superintendents or overseers of the poor, they must, upon the delivery of a transcript of the judgment, be paid by the county treasurer, and by him charged to the town in the same county, liable for the support of the bastard, or if there be none, to the county.

SEC. 886. *When action maintainable on order for support.*—An action may be maintained by the parties authorized by section 882, upon an order made by two magistrates, or by a county court, for the payment of a sum weekly or otherwise, for the support of the bastard or its mother, notwithstanding an undertaking may have been given to comply with the order; and in case of the death of the person against whom the order was made, an action may be maintained thereon against his executors or administrators. But when an undertaking is given to appear at the next term of the county court, no action can be brought on the order until it is affirmed by the court.

Birdseye Consolidated Laws (2d ed.), 1917.

Vol. 6. Poor Law, ch. 42. Support of bastards.

SEC. 60. *Penalty for removing mother of bastard; how supported after removal.*—If the mother of any bastard, or of any child likely to be born a bastard, shall be removed, brought or enticed into any county, city or town from any other county, city or town of this State, for the purpose of avoiding the charge of such bastard or child upon the county, city or town from which she shall have been brought or enticed to remove, the same penalties shall be imposed on every such person so bringing, removing or enticing such mother to remove, as are provided in the case of the fraudulent removal of a poor person. Such mother, if unable to support herself, shall be supported during her confinement and recovery therefrom, and her child shall be supported, by the county superintendents of the poor of the county where she shall be, if no provision be made by the father of such child.

SEC. 61. *Mother and child poor persons; proceedings against county or town from which she was removed.*—Such mother and her child shall, in all respects, be deemed poor persons; and the same proceedings may be had by the county superintendents to charge the town, city or county from which she was removed or enticed, or shall have of her own accord come or strayed, for the expense of supporting her and her child, as are provided in the case of poor persons; and an action may be maintained in the same manner for said expenses and for all expenses properly incurred in apprehending the father of such child, or in seeking to compel its support by such father or its mother.

SEC. 62. *Mother and bastard; how to be supported.*—The mother of every bastard, who shall be unable to support herself, during her confinement and recovery therefrom, and every bastard, after it is born, shall be supported as other poor persons are required to be supported by the provisions of this chapter, at the expense of the city or town where such bastard shall be born, if the mother have a legal settlement in such city or town, and if it be required to support its own poor; if the mother have a settlement in any other city or town of the same county, which is required to support its own poor, then at the expense of such other city or town; in all other cases, they shall be supported at the expense of the county where such bastard shall be born.

SEC. 63. *Mother and child not to be removed without her consent.*—The mother and her child shall not be removed from any city or town to any other city or town in the same county nor from one county to any other county, in any case whatever, unless voluntarily taken to the county, city or town liable for their support, by the county superintendents of such county or the overseers of the poor of such city or town.

SEC. 64. *Overseers to notify superintendents of cases of bastardy; when county chargeable.*—The overseers of the poor of any city or town where a woman shall be pregnant with a child, likely to be born a bastard, or where a bastard shall be born, which child or bastard shall be chargeable, or likely to become chargeable to the county, shall, immediately on receiving information of such fact, give notice thereof to the county superintendents, or one of them.

SEC. 65. *Duty of superintendents to provide for mother and child.*—The county superintendents shall provide for the support of such bastard and its mother, in the same manner as for the poor of such county.

SEC. 66. *Until taken charge of by superintendents, to be supported by overseers.*—Until the county superintendents take charge of and provide for the support of such bastard and its mother so chargeable to the county, the overseers of the poor of the city or town shall maintain and provide for them; and for that purpose, the same proceedings shall be had as for the support of a poor person chargeable to the county, who can not be conveniently removed to the county almshouse.

SEC. 67. *Overseers of towns to support bastard and mother, whether chargeable or not.*—Where a woman shall be pregnant with a child likely to be born a bastard, or to become chargeable to a city or town, or where a bastard shall be born chargeable, or likely to become chargeable to a city or town, the overseers of the poor of the city or town where such bastard shall be born, or likely to be born, whether the mother have a legal settlement therein or not, shall provide for the support of such child and the sustenance of its mother during her confinement and recovery therefrom, in the same manner as they are authorized by this chapter to provide for and support the poor of their city or town.

SEC. 68. *Moneys received by overseers from parents of bastard; how applied and accounted for.*—Where any money shall be paid to any overseer, pursuant to the order of any two justices, by any putative father, or by the mother of any bastard, the overseers may expend the same directly, in the support of such child, and the sustenance of its mother as aforesaid, without paying the same into the county treasury. They shall annually account, on oath, to the board of town auditors, or to the proper auditing board of a city, at the same time that other town or city officers are required to account for expenditures of all moneys so received by them, and shall pay over the balance in their hands, and under like penalties, as are provided by this chapter, in respect to the poor moneys in their hands.

SEC. 69. *When moneys received on account of bastard chargeable to county; how to be disposed of.*—All moneys which shall be ordered to be paid by the putative father, or by the mother of a bastard chargeable to any county, shall be collected for the benefit of such county; and all overseers of the poor, superintendents, sheriffs, and other officers, shall within fifteen days after the receipt of any such moneys, pay the same into the county treasury. Any officer neglecting to make such payment shall be liable to an action by and in the name of the county, for all moneys so received and withheld, with interest from the time of receipt, at the rate of ten per centum; and shall forfeit a sum equal to that so withheld, to be sued for and recovered by and in the name of the county.

SEC. 70. *Disputes concerning settlement of bastards; how determined.*—When a dispute shall arise concerning the legal settlement of the mother of a bastard,



or of a child born or likely to be born a bastard, in any city or town, the same shall be determined by the county superintendents of the poor, upon a hearing of the parties interested, in the same manner and with the same effect as they are authorized to determine the settlement of a poor person under this chapter.

SEC. 71. *Proceedings when bastard is chargeable to another town.*—When a bastard shall be born, or be likely to be born in a town or city, when the legal settlement of the mother is in another town or city of the same county, which is required by law to support its own poor, the overseers of the poor of the town or city where such bastard shall be born, or be likely to be born, shall give the like notice to the overseers of the town or city where the mother's settlement may be, as is required in the case of a person becoming a poor person, under the like circumstances, and the same proceedings shall be had, in all respects, to determine the liability of such town or city as in the case of poor persons.

The overseers of the town or city to which the mother of such bastard belongs may, before the confinement of such mother, or at any time after the expiration of two months after her delivery, if her situation will permit it, take and support such mother and her child.

If they omit to do so, and fail to obtain the determination of the county superintendents in their favor on the question of settlement, the town or city to which the mother belongs shall be liable to pay all the expenses of the support of such bastard, and of its mother during her confinement and recovery therefrom; which expenses, after being allowed by the county superintendents, shall be assessed, together with the lawful interest on the moneys expended, on the town or city to which such mother belongs, and shall be collected in the same manner as provided for poor persons supported under the same circumstances, and the moneys so collected shall be paid to the county treasurer, for the benefit of, and to be credited to, the town which incurred such expenses.

SEC. 72. *Mode of ascertaining sum to be allowed for support of bastard.*—When any town is required to support a bastard, and its mother, whether the mother have a settlement in such town or not, and no moneys shall be received from the putative father or from the mother, to defray the expense of such support, the overseers of the poor shall apply to the supervisor of the town and obtain an order for the support of such bastard, and the sustenance of its mother during her confinement and recovery therefrom, and the sum to be allowed therefor, in the same manner as is required in the case of poor persons, and the moneys paid or contracted to be paid by the overseer, pursuant to such order, shall be paid by the county treasurer in the same manner as for poor persons, and be charged to the town to whose officers such payment shall be made.

SEC. 73. *When mother and child to be removed to county almshouse.*—If there be a county almshouse in any county where the towns are required to support their own poor, the overseers of the poor of a town where a bastard shall be born, or shall be likely to be born, may, with the approval of the county superintendents or any two of them, and when the situation of the mother will allow it, remove the mother of such bastard, with her child, to such almshouse, in the same manner as poor persons may be removed; the expenses of which removal shall be defrayed in like manner, and such mother and her child shall be considered as poor of the town so liable for their support, and the expense shall in like manner be estimated and paid.

SEC. 74. *Compromise with father of bastard—When mother may receive money.*—Superintendents and overseers of the poor may make such compromise and arrangements with the putative father of any bastard child within their jurisdiction, relative to the support of such child, as they shall deem equitable and just, and thereupon discharge such putative father from all further liability for the support of such bastard.

Whenever a compromise is made with the putative father of a bastard child, the mother of such child, on giving security for the support of the child, and to indemnify the city and county or the town and county, from the maintenance of the child, to the satisfaction of the officers making the compromise, shall be entitled to receive the moneys paid by such putative father as the consideration of such compromise. If the mother of such child shall be unable to give the security, but shall be able and willing to nurse and take care of the child, she shall be paid the same weekly allowance for nursing and taking care of the child, out of the moneys paid by the father on such compromise, as he shall have been liable to pay by the order of filiation; such weekly sum to be paid the mother, may be prescribed, regulated or reduced, as in the case of an order of filiation.

SEC. 75. *Compromise with putative fathers in New York.*—The commissioners of public charities of the City of New York, or any two of them, may make such compromise and arrangements with the putative fathers of bastard children in said city, relative to the support of such children, as they shall deem equitable and just, and thereupon may discharge such putative fathers from all further liability for the support of such bastards.

## Vol. 2. Domestic Relations Law, ch. 11.

**SEC. 24. Effect of marriage of parents of illegitimates.**—All illegitimate children whose parents have heretofore intermarried or who shall hereafter intermarry shall thereby become legitimized and shall become legitimate for all purposes and entitled to all the rights and privileges of legitimate children; but an estate or interest vested or trust created before the marriage of the parents of such child shall not be divested or affected by reason of such child being legitimized. Nothing in this article shall be deemed or construed to in any manner impair or affect the validity of any lawful marriage contract made before the passage of this article.

**SEC. 86. Guardianship of indigent children by incorporated orphan asylums.**—The guardianship of the person and the custody of an indigent child may be committed to an incorporated orphan asylum or other institution incorporated for the care of orphan, friendless, or destitute children, by an instrument in writing signed:

3. If the father of such child shall have neglected to provide for his family during the six months next preceding, or if such child is a bastard, by the mother of such child.

**SEC. 111. Whose consent necessary for adoption.**—Consent to adoption is necessary Adoption and as follows:  
records.

3. Of the parents or surviving parent of a legitimate child, and of the mother of an illegitimate child; but the consent of a parent who has abandoned the child, or is deprived of civil rights, or divorced because of his or her adultery or cruelty, or adjudged to be insane, or to be an habitual drunkard, or judicially deprived of the custody of the child on account of cruelty or neglect, is unnecessary; \* \* \*

**SEC. 113. \* \* \*** The fact of illegitimacy shall in no case appear upon the record.

## Vol. 2. Decedent Estate Law, ch. 13.

**SEC. 89. Illegitimate children.**—If an intestate who shall have been illegitimate die without law issue, or illegitimate issue entitled to take, under Inheritance. this section, the inheritance shall descend to his mother; if she be dead, to his relatives on her part, as if he had been legitimate. If a woman die without lawful issue, leaving an illegitimate child, the inheritance shall descend to him as if he were legitimate. In any other case illegitimate children or relatives shall not inherit.

**SEC. 98. Distribution of personal property of decedent.**—If the deceased died intestate, the surplus of his personal property after payment of debts; and if he left a will, such surplus, after the payment of debts and legacies, if not bequeathed, must be distributed to his widow, children, or next of kin, in manner following:

9. If the deceased was illegitimate and leave a mother, and no child, or descendant, or widow, such mother shall take the whole and shall be entitled to letters of administration in exclusion of all other persons. If the mother of such deceased be dead, the relatives of the deceased on the part of the mother shall take in the same manner as if the deceased had been legitimate, and be entitled to letters of administration in the same order.

15. If a woman die, leaving illegitimate children, and no lawful issue, such children inherit her personal property as if legitimate.

## NORTH CAROLINA.

Revised Statutes, 1905.<sup>1</sup>

**SECTION 136. Illegitimate children next of kin to mother.**—Every illegitimate child of the mother dying intestate, or the issue of such illegitimate child Inheritance. deceased, shall be considered among her next of kin, and as such shall be entitled to a share of her personal estate as prescribed in this chapter.

**SEC. 137. Illegitimate children next of kin to each other.**—Illegitimate children, born of the same mother, shall be considered legitimate as between themselves and their representatives, and their personal estate shall be distributed in the same manner as if they had been born in lawful wedlock. And in case of the death of any such child or his issue, without leaving issue, his estate shall be distributed among his mother and all such persons as would be his next of kin if all such children had been born in lawful wedlock.

<sup>1</sup> These laws are also contained in Fell's Revised 1908 and Supplements 1913 and 1915, secs. 136-137, 204, 252, 254, 1333, 1335, 1569, 1915-1919, 2083, and 5485b(14).

**SEC. 1333. *Legal settlements; how acquired.***—Legal settlements may be acquired in any county, so as to entitle the party to be supported by such county, in the manner following, and not otherwise:

**Residence.**

4. Illegitimate children shall follow and have the settlement of their mother, at the time of their birth, if she then have any in the State. But neither legitimate nor illegitimate children shall gain a settlement by birth in the county in which they may be born, if neither of their parents had any settlement therein.

**SEC. 1569. *Effects of absolute divorce.***—After a judgment of divorce from the bonds of matrimony, all rights arising out of the marriage shall cease and determine, and either party may marry again unless otherwise provided by law: *Provided*, That no judgment of divorce shall render illegitimate any children in esse, or begotten of the body of the wife during coverture.

**Divorce.**

**SEC. 1556. Rule 9. *Illegitimate children inherit from mother.***—Every illegitimate child of the mother and the descendants of any such child deceased shall be considered an heir: *Provided, however*, That where the mother leaves legitimate and illegitimate children such illegitimate child or children shall not be capable of inheriting of such mother any land or interest therein which was conveyed or devised to such mother by the father of the legitimate child or children; but such illegitimate child or descendant shall not be allowed to claim, as representing such mother, any part of the estate of her kindred, either lineal or collateral. (As amended by Laws 1913, ch. 71.)

**Inheritance.**

**SEC. 1556. Rule 10. *Who may take from illegitimate children.***—Illegitimate children shall be considered legitimate as between themselves and their representatives, and their estates shall descend accordingly in the same manner as if they had been born in wedlock. And in case of the death of any such child or his issue without leaving issue, his estate shall descend to such person as would inherit, if all such children had been born in wedlock: *Provided*, That when any illegitimate child shall die without issue, his inheritance shall vest in the mother in the same manner as is provided in rule six of this chapter.

**SEC. 252. *Justices have jurisdiction—Warrant issued only on complaint of woman or county commissioner.***—Justices of the peace of the several counties shall have exclusive original jurisdiction to issue, try and determine all proceedings in cases of bastardy in their respective counties. A warrant in bastardy shall be issued only upon the voluntary affidavit and complaint of the mother of the bastard; or, upon the affidavit of one of the county commissioners, setting forth the fact that the bastard is likely to become a county charge.

**Illegitimacy proceedings.**

**SEC. 253. *Procedure on complaint by county commissioner.***—When complaint is made on affidavit by one of the county commissioners, as set forth in the preceding section, to any justice of the peace of the county in which the woman resides, that any single woman within his county is big with child, or delivered of a child, he may cause her to be brought before him, or any other justice of the county, to be examined upon oath respecting the father; and if she shall refuse to declare the father, she shall pay a fine of five dollars and give a bond payable to the State with sufficient surety to keep such child from being chargeable to the county, otherwise she shall be committed to prison until she shall declare the same, or pay the fine aforesaid and give such bond.

**SEC. 254. *Procedure when woman declares father.***—If any woman shall, upon oath, accuse any man of being the father of her bastard child, the justice before whom such oath is made shall cause him to be brought before some justice of the peace of such county to answer the charge; and, if he shall, upon oath, deny that he is the father of such child, the justice shall proceed to try the issue of paternity, and if it shall be found that he is the father of the child, or if he shall not deny upon oath that he is the father of the child, then he shall stand charged with the maintenance thereof, as the court may order, and shall give bond, with sufficient surety, payable to the State, to perform said order, and to indemnify the county where such child shall be born from charges for his maintenance and may be committed to prison until he finds surety for the same, and shall be liable for the costs of the issue or proceeding, and from this judgment and finding the affiant, the woman or the defendant may appeal to the next term of the superior court of the county where the trial is to be had *de novo*.

**SEC. 255. *Procedure on appeal.***—Upon the trial of the issue, whether before the justice or at term, the examination of the woman, taken and returned, shall be presumptive evidence against the person accused, subject to be rebutted by other testimony which may be introduced by the defendant; and, if the jury at term shall find that the person accused is the father of the child, then the judge shall make the order for the maintenance and for costs of proceeding, and shall take bond from the defendant and his sureties for the maintenance of the child and to indemnify the county and pay the costs; and, in default thereof, may imprison the defendant.

Sec. 256. *Putative father out of county.*—If the putative father shall escape or be in any other county than that of the justice issuing the warrant, it shall be issued, endorsed, executed and returned as provided in warrants in criminal actions.

Sec. 257. *Upon appeal parties and witnesses recognized.*—When an appeal shall be taken the justice shall recognize the person accused of being the father of the child with sufficient surety for his appearance at the next term of the superior court for the county, and to abide by and perform the order of the court; said justice shall also recognize the woman and other witnesses to appear at said superior court, and shall return to said court the original papers in the proceeding and a transcript of his proceedings as required in other cases of appeal. If the putative father fail to appear, unless for good cause shown, the judge shall direct the issue of paternity to be tried; and if the issue be found against the person accused, he shall order a *capias* or attachment to be issued for the father, and may also enter up judgment against the father and his surety on his recognizance.

Sec. 258. *Case may be continued till birth of child.*—When the judge or justice, as the case may be, trying the issue of paternity, shall deem it proper, he may continue the case until the woman shall be delivered of the child; but when a continuance is granted, the court shall recognize the person accused of being the father of the child with surety for his appearance either at the next term of the court or at a time to be fixed by the justice granting the continuance, which shall be after the delivery of the woman.

Sec. 259. *Fine, allowance and bond.*—When the issue of paternity shall be found against the putative father, or when he admits the paternity, he shall be fined by the judge or justice not exceeding the sum of ten dollars and the court shall make an allowance to the woman not exceeding the sum of fifty dollars, to be paid in such installments as the judge or justice shall see fit, and he shall give bond to indemnify the county as prescribed by law; and in default of such payment he shall be committed to prison.

Sec. 260. *Action barred in three years after birth.*—All examinations upon oath to charge any man with being the father of a bastard child shall be taken within three years next after the birth of the child, and not after.

Sec. 261. *Execution may issue for maintenance.*—When the judge or justice shall charge the father of a bastard child with its maintenance and the father shall neglect to pay the same, then the judge or justice, upon application of the party aggrieved, notice being served on the defendant at least ten days before the return day stated in the notice, or such notice being returned by the sheriff or constable that the defendant is not to be found, may order an execution against the goods, chattels, lands and tenements of the father for such sum as the court shall adjudge sufficient for the maintenance of the bastard child.

Sec. 262. *Putative father when committed or apprenticed.*—In all cases arising under this chapter, when the putative father shall be charged with costs or the payment of money for the support of a bastard child, and such putative father shall, by law, be subject to be committed to prison in default of paying the same, it shall be competent for the court to sentence such putative father to the house of correction for such time, not exceeding twelve months, as the court may deem proper: *Provided*, That such person or putative father, at his discretion, instead of being committed to prison or to the house of correction, may bind himself as an apprentice to any person whom he may select, for such time and at such price as the court may direct. The binding shall be by indenture in open court, and the price obtained shall be paid to the county treasurer. On the indenture being signed by the presiding judge of the court and by the master receiving such apprentice, the person thus bound shall be treated and regarded as an apprentice in all matters except education.

Sec. 263. *Procedure for legitimating bastards.*—The putative father of any illegitimate child may apply by petition in writing to the superior court of the county in which the father may reside, praying that such child may be declared legitimate; and if it shall appear that the petitioner is reputed the father of the child, the court may thereupon declare and pronounce the child legitimated; and the clerk shall record the decree.

Sec. 264. *Effects of legitimation.*—The effect of such legitimation shall extend no further than to impose upon the father all the obligations which fathers owe to their lawful children, and to enable the child to inherit from the father only his real estate, and also to entitle such child to the personal estate of his father, in the same manner as if he had been born in lawful wedlock; and in case of death and intestacy, the real and personal estate of such child shall be transmitted and distributed according to the statute of descents and distribution among those who would be his heirs and next of kin in case he had been born in lawful wedlock.

SEC. 1915. *Who may be discharged from prison.*—The following persons may be discharged from imprisonment upon complying with this chapter:  
 Illegitimacy proceedings; discharge of father. 1. Every putative father of a bastard committed for a failure to give bond, or to pay any sum of money ordered to be paid for its maintenance.

SEC. 1916.—*When petition filed; on whom served.*—Every such person, having remained in prison for twenty days, may apply by petition to the court, where the judgment against him was entered, praying to be brought before such court at a time and place to be named in the petition, and to be discharged upon taking the oath hereinafter prescribed. The applicant shall cause ten days' notice of the time and place of filing the petition to be served on the sheriff or other officer by whom he was committed. In cases of conviction before a justice of the peace the clerk of the superior court of the county where the convicted person confined for costs is, may administer the oath and discharge the prisoner.

SEC. 1917.—*Warrant issued for prisoner.*—The clerk of the superior court, or justice of the peace before whom such petition is presented, shall forthwith issue a warrant to the sheriff, or keeper of the prison, requiring him to bring the prisoner before the court, at the time and place named for the hearing of the case, which warrant every such sheriff or keeper shall obey.

SEC. 1918.—*Proceeding on application.*—At the hearing of the petition, if the prisoner have no visible estate, and take and subscribe the oath or affirmation prescribed in the succeeding section, the clerk of the superior court, or justice of the peace before whom he is brought, shall administer said oath or affirmation to him, and discharge him from imprisonment; of which an entry shall be made in the docket of the court, and where the proceeding is before a justice of the peace, the justice shall return the petition and orders thereon into the office of the clerk of the superior court to be filed.

SEC. 1918a. *Oath to be taken.*—The oath referred to in the preceding section shall be as follows:

I, . . . . ., do solemnly swear (or affirm) that I have not the worth of fifty dollars in any worldly substance, in debts, money or otherwise whatsoever, and that I have not at any time since my imprisonment or before, directly or indirectly, sold or assigned, or otherwise disposed of, or made over in trust for myself or my family, any part of my real or personal estate, whereby to have or expect any benefit, or to defraud any of my creditors; so help me, God.

SEC. 1919. *Who may suggest fraud.*—The chairman of the board of commissioners, and every officer interested in the fee bill taxed against such prisoner, may oppose his taking the oath prescribed in the preceding section, and file particulars of the suggestion in writing, in the court where the same shall stand for trial as prescribed in this chapter in other cases of fraud or concealment.

Laws of 1917, ch. 219.

SEC. 1. *Child held legitimate after marriage.*—Whenever the mother of any bastard child and the reputed father of such child shall intermarry or shall have intermarried at any time after the birth of such child, the said child shall in all respects after such intermarriage be deemed and held to be legitimate and entitled to all the rights in and to the estate, real and personal, of its father and mother that it would have had had it been born in lawful wedlock.

SEC. 2. This act shall take effect from its ratification, and all laws in conflict therewith are hereby repealed.

Laws of 1913, ch. 109.

SEC. 14. *Items of certificate of birth.*—Certificate to contain the following:

(6) Legitimate or illegitimate: *Provided*, That in illegitimate births the word "illegitimate" shall be written across the face of the certificate and all items on the certificate which would in any way reveal the identity of the father, mother, or illegitimate child itself shall be omitted.

(8) Full name of father: *Provided*, That if the child is illegitimate, the name of the putative father shall not be entered without his consent, but the other particulars relating to the putative father (items nine to thirteen) may be entered if known, otherwise as "unknown."

NOTE ON APPRENTICESHIP LAW.—Illegimates may be bound by mother. (Sec. 201.)

## NORTH DAKOTA.

Compiled Laws, 1913.

**SECTION 2501. Residence acquired—Married women and children.**—Residence may be acquired in any county so as to oblige such county to relieve and support the persons acquiring such residence, in case they are in need of relief, as follows:

3. Illegitimate children shall follow and have the residence of their mother at the time of their birth, if she then has any within the State; but neither legitimate nor illegitimate children shall gain a residence by birth in the place where they were born, unless their parent or parents had a residence therein at the time.

**SEC. 4370. Children legitimate.**—When a marriage is annulled children begotten before the judgment are legitimate and succeed to the estate of both parents.

**SEC. 4394. Adultery by husband.**—When a divorce is granted for the adultery of the husband, the legitimacy of children of the marriage begotten of the wife before the commencement of the action is not affected.

**SEC. 4395. By wife—Legitimacy.**—When a divorce is granted for the adultery of the wife the legitimacy of children begotten of her before the commission of the adultery is not affected; but the legitimacy of other children of the wife may be determined by the court upon the evidence in the case. In every such case all children begotten before the commencement of the action are to be presumed legitimate until the contrary is shown.

**SEC. 4420. Legitimacy presumed.**—All children born in wedlock are presumed to be legitimate.

**SEC. 4421. Children born after dissolution of marriage or before wedlock.**—All children of a woman who has been married born within ten months after the dissolution of the marriage are presumed to be legitimate children of that marriage. A child born before wedlock becomes legitimate by the subsequent marriage of its parents.

**SEC. 4422. Who may dispute presumption.**—The presumption of legitimacy can be disputed only by the husband or wife or the descendant of one or both of them. Illegitimacy in such case may be proved like any other fact.

**SEC. 4425. The mother of an illegitimate unmarried minor is entitled to its custody, services, and earnings.**

**SEC. 4450. The father of an illegitimate child by publicly acknowledging it as his own, receiving it as such with the consent of his wife if he is married, into his family, and otherwise treating it as if it was a legitimate child, thereby adopts it as such, and such child is thereupon deemed for all purposes legitimate from the time of its birth.**

**SEC. 4456. How guardian appointed.**—A guardian of the person or estate or of both of a child born, or likely to be born, may be appointed by will or by deed, to take effect upon the death of the parent appointing:

2. If the child is illegitimate, by the mother.

**SEC. 5745. Inheritance by illegitimate child.**—Every illegitimate child is an heir of the person who in writing signed in the presence of a competent witness acknowledges himself to be the father of such child; and in all cases is an heir of his mother and inherits his or her estate in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock; but he does not represent his father or mother by inheriting any part of the estate of his or her kindred either lineal or collateral, unless before his death his parents shall have intermarried and his father after such marriage acknowledges him as his child or adopts him into his family, in which case such child and all the legitimate children are considered brothers and sisters and on the death of either of them intestate and without issue the others inherit his estate and are heirs, as hereinbefore provided, in like manner as if all the children had been legitimate, saving to the father and mother respectively their rights in the estates of all the children in like manner as if all had been legitimate. The issue of all marriages null in law or dissolved by divorce are legitimate.

**SEC. 5746. Inheritance from illegitimate child.**—If an illegitimate child who has not been acknowledged or adopted by his father dies intestate without lawful issue, his estate goes to his mother, or in case of her decease, to her heirs at law.

**SEC. 7935. Presumptions deemed conclusive.**—The following presumptions and no others are deemed conclusive:

**Presumption of legitimacy.** 5. The issue of a wife cohabiting with her husband, who is not impotent, is indisputably presumed to be legitimate.

**SEC. 7936. Denominational presumptions.**—All other presumptions are satisfactory, if uncontradicted. They are denominational disputable presumptions, and may be contradicted by other evidence. The following are of that kind:

31. That a child born in lawful wedlock, there being no divorce from bed and board, is legitimate.

**SEC. 9606. Concealing stillbirth or death of bastard.**—Every woman who endeavors either by herself or by the aid of others to conceal the stillbirth of an issue of her body, which if born alive would be a bastard, or the death of any such issue under the age of two years, is punishable by imprisonment in the county jail not exceeding one year, or by a fine not exceeding one thousand dollars, or both.

Code of Criminal Procedure, ch. 5. Bastardy proceedings.

**SEC. 10483. Complaint for bastardy—Form.**—Any unmarried woman who is delivered of a bastard child, or is pregnant with a child, which, if born alive, may be a bastard, may make a complaint in writing under oath before a justice of the peace or police magistrate against the person who is the father of such child. Such proceedings must be entitled in the name of the State as plaintiff and against the accused as defendant. The complaint shall be substantially in the following form:

State of North Dakota ) ss:  
County of ..... )

Before ..... , J. P. (or police magistrate.)

The State of North Dakota, plaintiff, against ..... , defendant.

....., being first duly sworn on oath, says: That she is an unmarried woman and was on the ..... day of ..... 19.., delivered of a bastard child (or is pregnant with a child which, if born alive, may be a bastard), begotten by the defendant ..... on or about the ..... day of ..... 19.., at .....

Wherefore, she asks that a warrant may be issued for the arrest of the defendant ..... , that he may answer to such charge.

Subscribed and sworn to, etc. [R. C., 1905, sec. 9647; R. C., 1935, sec. 7833.]

**SEC. 10484. Warrant issued—Form—Service.**—Upon the filing of the complaint the magistrate shall issue a warrant which, exclusive of the venue and title, shall be in substantially the following form:

The State of North Dakota, to any sheriff, constable, marshal or policeman in the county of ..... :  
Complaint on oath having been made to me by ..... that she is an unmarried woman and has been delivered of a bastard child (or is pregnant with a child which, if born alive, may be a bastard), and accusing the defendant ..... with being the father of such child.

You are therefore commanded forthwith to arrest the above-named ..... and unless he gives an undertaking in the sum of ..... dollars, to be approved by the clerk of the district court of the county where arrested, to bring him before me at ..... or in case of my absence or inability to act before the nearest or most accessible magistrate authorized to act in this county.

Dated at ..... , this ..... day of ..... , 19...

Justice of the Peace (or Police Magistrate.)

The officer to whom such warrant is delivered may execute the same in any part of this State by arresting the defendant and taking him before a magistrate as in such warrant directed. The undertaking required by the warrant shall be conditioned for the defendant's appearance as prescribed in section 10486.

**SEC. 10485. How defendant released.**—If the defendant shall at any time after his arrest pay or secure to be paid to the complainant such sum of money as she may agree in writing to receive in full satisfaction and as shall be approved by the board of county commissioners of the county in which she resides and shall execute and give an undertaking with sufficient sureties to be approved by such board to the county in which she resides, conditioned to secure and indemnify such county from all charges for the maintenance of such child and shall also pay all expenses incurred by such county for the support of the mother during her lying-in or of the child and the costs of prosecution, he shall be discharged.

**SEC. 10486. Examination—Undertaking—Commitment.**—Upon the arrest of the defendant, unless he complies with the provisions of section 10485 or gives an undertaking as provided in section 10484, the defendant shall be taken before a magistrate as directed in the warrant of arrest, where he shall be entitled to a preliminary examination upon the charge made in the complaint. The provisions of article 11, chapter 6, of the code of criminal procedure, shall apply to such preliminary examination, except as otherwise provided in this chapter. If from such examination it appears to the magistrate that the complainant is an unmarried woman and has been delivered of a bastard child, or is pregnant with a child which if born alive may be a bastard,

and that there is sufficient cause to believe that such child was begotten by the defendant, the magistrate shall require him to execute and give an undertaking in a sum not less than five hundred dollars and not exceeding one thousand dollars, with sufficient sureties, payable to the State of North Dakota, and conditioned that he will appear at the next term of the district court of such county and from term to term until the final disposition of the proceeding to answer the complaint and abide the judgment and orders of the court therein. If the defendant fails to execute and give such undertaking the magistrate shall make an order committing him as in criminal actions.

SEC. 10487. *How warrant returned—Undertaking.*—The warrant when executed together with any undertaking given by the defendant shall be returned by the officer making the arrest to the magistrate who issued the warrant or his successor in office, and the magistrate shall transmit any undertaking given by the defendant together with a transcript of his proceedings and all other papers in the case, without delay, to the clerk of the district court of the proper county.

SEC. 10488. *Undertaking after commitment.*—Any person imprisoned for failure to give such undertaking may be discharged by giving the same with sufficient sureties at any time after his commitment; such undertaking may be taken and approved by the magistrate before whom such proceeding was had or by the judge of the district court before whom the same is pending.

SEC. 10489. *Proceedings for trial.*—The trial of such proceeding shall, except as herein otherwise provided, be governed by the law regulating civil actions. The clerk shall place such proceedings upon the calendar for trial at the first term of the district court after the papers therein are received by him. No notice of trial and note of issue need be served or filed.

SEC. 10490. *Trial—By court—By jury.*—If the defendant answers, denying the charge, the issue shall be tried by the court, unless a jury is demanded by either party, in which case the issue shall be tried by jury.

SEC. 10491. *Defendant adjudged father—Judgment.*—If the court or jury finds that the defendant is the father of such child, or if the defendant fails to answer the charge, he shall be adjudged the father of such child and the court shall render such judgment as may seem necessary to secure, with the assistance of the mother, the maintenance and education of such child, until such time as the child is likely to be able to support itself, which judgment shall be docketed by the clerk as judgments in civil actions. Such judgment shall direct the person to whom and the times at which any parts of the same shall be paid and shall also require the defendant to secure the payment thereof by an undertaking executed by him with sufficient sureties and in default thereof the defendant shall be committed to jail until discharged according to law. The court may at any time upon the motion of either party, upon ten days' notice to the other party, vacate or modify such judgment as justice may require.

SEC. 10492. *Imprisoned ninety days—Discharge.*—Any person who shall have been so imprisoned ninety days may apply for his discharge from imprisonment in the manner provided in the code of civil procedure for the discharge from imprisonment of persons confined in jail upon executions against the person.

SEC. 10493. *Execution may issue—Exemptions.*—Executions may issue on such judgment whenever any amount is due on the same and shall be executed as an execution on a judgment in a civil action, and no property, except absolute exemptions, shall be exempt from such execution.

SEC. 10494. *Woman failing to prosecute—County commissioners.*—If any woman mentioned in section 10483 fails to prosecute the father of her child and such child is likely to become a public charge, any member of the board of county commissioners of the county where she resides may apply to a justice of the peace or police magistrate of such county, who shall thereupon examine her under oath as to who is the father of such child, the time when and place where such child was begotten and as to such other circumstances as are deemed necessary; the magistrate shall thereupon issue a warrant for the arrest of the person charged with being the father of the child and the same proceedings shall be had thereon and with like effect as in cases of complaint made by the woman.

SEC. 10495. *Prosecution limited.*—No proceedings under this chapter shall be instituted unless commenced within one year after the birth of such child, but no time during which the defendant is not an inhabitant of or usually residing within this State is a part of the time limited for the commencement of such proceeding.

SEC. 10496. *Other provisions applicable.*—The provisions of articles 8 and 9 of chapter 11 of the code of civil procedure relating to exceptions and new trials, and the provisions of chapter 15 of such code relating to appeals are applicable to proceedings under this chapter.



SEC. 10497. *State's attorney must prosecute.*—The several State's attorneys within their respective counties shall prosecute all proceedings under this chapter.

SEC. 10498. *Action on undertaking.*—If the defendant fails to appear in accordance with the terms of the undertaking provided for in section 10486, the State's attorney of the county shall commence an action thereon in the name of the State for the recovery of the full amount specified in such undertaking, which amount is declared to be liquidated damages. The judgment in such action shall direct the payment of such money as provided in section 10491, so far as the same is applicable and the court may also direct the clerk to issue a bench warrant for the arrest of the defendant and the provisions of sections 10712 and 10713 of this code, so far as the same are applicable, shall govern the proceedings under such warrant.

SEC. 10499. *Proceedings on undertaking.*—If at any time after having given the undertaking provided for in section 10491, the defendant shall be in default in the payment of any sum provided for in the judgment, the court may upon motion of the State's attorney, upon ten days' notice to the defendant and his sureties, enter up judgment on such undertaking and award execution for the amount of money due upon such judgment at the time such motion is heard.

SEC. 10500. *Deposit instead of undertaking.*—The defendant, instead of giving any undertaking required under the provisions of this chapter may deposit with the clerk of the district court of the county in which such proceeding is commenced, a sum of money equal to the amount for which such undertaking is required to be given. Such deposit shall be held to answer the event of such proceeding to the same extent and upon the same conditions as the undertaking in lieu of which such deposit is made.

NOTE ON BIRTH REGISTRATION.—Certificate states whether legitimate or illegitimate. (Sec. 447, No. 5.)

NOTE ON INCESTUOUS MARRIAGES.—The law applies to illegitimate relationship. (Sec. 4359.)

NOTE ON ADOPTION.—Illegitimate mother recognized for purpose of consent requirement. (Sec. 4444.)

NOTE.—Place conducted by one who received illegitimate children, regulated by Laws 1915, ch. 183. This act contains the following provisions:

SEC. 8. *Admission of patients—Report.*—\* \* \* The surname of the child shall be that of the father, whether such child is legitimate or illegitimate, if the name of the father is known. A copy of the records mentioned in this section shall be sent to the judge of the district court within two days after the birth of such child.

SEC. 10. *Expenses collectible from county.*—The necessary expenses of the confinement of the mother of an illegitimate child and the care of the child in any maternity hospital, or other place designated for the care of such child by the judge of the district court, shall, unless paid within four months after such confinement, be a charge upon and collectible from the county in this State in which such woman had legal residence immediately before entering such maternity hospital, and shall be paid by the proper officials of such county upon due proof thereof, to the person or institution entitled to reimbursement, or judge of district court; and an illegitimate child which becomes a public charge may immediately be taken, by a person authorized by the judge of district court, at such time as said judge shall deem advisable, to the county in which the mother had legal settlement at the time such child became a public ward, and shall thereafter continue to be a charge upon such county until otherwise provided for. The expenses incurred in taking such child to said county shall be paid by said county. The expenses collectible from the county for the mother of an illegitimate child during her confinement shall be one dollar (\$1.00) per diem, and the expenses collectible from the county for an illegitimate child shall be thirty-five cents (35) per diem for the maintenance and traveling expenses in addition thereto. In case it is impossible to establish the legal settlement of any child or the mother thereof it shall become a ward of the county in which it was born: *Provided*, That nothing herein shall be construed to dispense with the necessity of making any child a public ward by the juvenile court having jurisdiction or the judge thereof in vacation, but the presence of such child before said court or judge shall not be necessary in case the infant be of tender years.

SEC. 11. *Mothers from another State—Removal.*—Whenever the mother of an illegitimate child, who is without means, has come from another State into North Dakota and remained therein during her confinement, after the child is born and the mother is able to travel, she and the child may be taken to her residence in such other State by some person authorized by the judge of district court.

**SEC. 12. *Placing of children.***—Unless duly licensed or authorized by the judge of district court, no person other than said judge shall give out for adoption a child, or place such child under the permanent care and control of any person other than a relative of such child, or give any such child to any person or to a firm, corporation or association, or receive any such child, for the purpose of placing it under the permanent care and control of any person other than a relative of such child.

**Laws of 1917, ch. 70. Legitimizing children born out of lawful wedlock.**

An act declaring every child to be the legitimate child of its natural parents: making such child an heir of such parents, and providing the procedure for establishing such parentage.

**SEC. 1.** Every child is hereby declared to be the legitimate child of its natural parents and as such is entitled to support and education, to the same extent as if it had been born in lawful wedlock. It shall inherit from its natural parents and from their kindred heir lineal and collateral.

This section shall apply to cases where the natural father of any such child is married to one other than the mother of said child, as well as where he is single. *Provided, however,* This law shall not be so construed as to give to said child a right to dwelling or a residence with the family of its father, if such father be married.

**SEC. 2.** The mother of any child born out of lawful wedlock may within one year after the birth of such child bring an action in the district court to establish the defendant to be its father. In such cases the parentage may be proved like any other fact. *Provided,* That the mother of said child shall not be considered a competent witness in any case where the alleged natural father of said child shall be dead at the time of the trial. *Provided,* That a statement in writing may be made by the parents of said child, admitting the parentage thereof, and upon which a judgment may be entered.

**SEC. 3.** This action shall be deemed cumulative as to the remedies contained in sections 10483 to 10500, inclusive, relating to bastardy proceedings, but all children hereafter born in this state shall be deemed to be legitimate.

**SEC. 4.** All acts and parts of acts in conflict herewith are hereby repealed.

## OHIO.

**General Code, 1910.**

**SECTION 8590. *Capability of bastards as to inheritance.***—Bastards shall be capable of inheriting or transmitting inheritance from and to the mother, and from and to those from whom she may inherit, or to whom she may transmit inheritance, in like manner as if born in lawful wedlock.

**SEC. 8591. *When illegitimate children deemed legitimate.***—When, by a woman, a man has one or more children, and afterward intermarries with her, such issue, if acknowledged by him as his child or children, will be legitimate. The issue of parents whose marriage is null in law, shall nevertheless be legitimate.

**SEC. 11987.** The granting of a divorce and dissolution of the marriage in no wise shall affect the legitimacy of children of the parties thereto. The court shall make such order for the disposition, care and maintenance of the children, if any, as is just.

**SEC. 12110. *Complaint, and warrant for arrest.***—When an unmarried woman, who has been delivered of or is pregnant with a bastard child, makes a complaint in writing, under oath, before a justice of the peace, charging a person with being the father of such child, he thereupon shall issue his warrant, directed to any sheriff or constable of the State, commanding him to pursue and arrest such accused person in any county therein, and bring him forthwith before such justice to answer such complaint.

**SEC. 12111. *Examination of the complainant.***—On the return of the warrant, the justice shall examine the complainant, under oath, in the presence of the accused, respecting the cause of her complaint. The accused shall be permitted also to ask her, when under oath, any question he may think necessary for his defense.

**SEC. 12112. *Examination in writing.***—The examination of complainant by the justice, the questions of the defendant, and the answers thereto by her must be reduced to writing, in the presence of the justice, and subscribed by her.

**SEC. 12113. *Adjournment of examination, and bond to answer complaint.***—On the request of either party, for good cause shown, the justice may continue the examination for a period not to exceed ten days, upon the accused entering into a recognizance

to the State, with sufficient surety, in not less than three hundred nor more than six hundred dollars, to appear and answer the complaint, at the time fixed for its hearing, and abide the order of the justice.

SEC. 12114. *Compromise and bond.*—If, during the examination before the justice, or before judgment in the court of common pleas, the accused pays or secures to be paid, to the complainant, such amount of money or property as she agrees to receive in full satisfaction, and gives bond to the State with sufficient surety, to be approved by the justice, court, or judge in vacation, conditioned to save any county, township, or municipal corporation within the State free from all charges for the maintenance of such bastard child, such justice, court, or judge, shall discharge him from custody, on his paying the costs of prosecution. Such agreement must be made or acknowledged by both parties, in the presence of the justice, court, or judge, who thereupon shall enter a memorandum thereof on his docket, or cause it to be made upon the journal.

SEC. 12115. *When no compromise made, accused to be recognized.*—If no compromise is effected, the justice before whom the complaint was made shall bind the accused to appear at the next term of the common pleas court, in a recognizance to the State, with sufficient surety, in not less than three hundred nor more than six hundred dollars, to answer the accusation, and abide the order of the court. On neglect or refusal to find such security, the justice shall cause the accused to be committed to the jail of the county, there to be held to answer the complaint.

SEC. 12116. *Proceedings for discharge, on bail.*—A person committed to jail for failure to give such recognizance may be discharged from custody by entering into recognizance, with sufficient surety, in not less than one hundred nor more than six hundred dollars, to be taken and approved by a judge of the common pleas court or probate judge of the county, and by him filed in the office of the clerk of the common pleas court.

SEC. 12117. *Justice shall file transcript and papers with clerk.*—The justice before whom the examination is had, within thirty days thereafter, shall file with the clerk of the common pleas court of the county a certified transcript of the proceedings, together with the recognizance, if any be taken, and all other papers therein.

SEC. 12118. *Continuance of cause in common pleas.*—If, at the next term of the court, the complainant has not been delivered, or is unable to attend, or if there be any other sufficient reason therefor, the court may order a continuance of the cause. Such continuance shall operate as a renewal of the recognizance, which shall remain in full force until final judgment.

SEC. 12119. *Surrender of accused by sureties.*—At any term of the court of common pleas, if the sureties on the recognizance surrender the accused and request to be released therefrom, or if the court deems the recognizance insufficient, it may order a new recognizance to be taken, cancel the first, and commit the accused until a new recognizance is given.

SEC. 12120. *Failure of accused to appear at court.*—If the accused fails to appear at the term of court to which he is recognized, his recognizance shall be forfeited. If a verdict of guilty be rendered, and judgment entered thereon as hereinafter provided, the amount of such forfeited recognizance shall be applied in payment of the judgment.

SEC. 12121. *Accused to be permitted to defend.*—Before or on the hearing of the complaint, the court shall permit the accused to appear in person, or by counsel, and make defense.

SEC. 12122. *The trial in court.*—When, before the court to which he is recognized to appear, the accused pleads not guilty of the charge, or, having been recognized, fails to appear, the court shall order the issue to be tried by a jury. At the trial, the examination before the justice shall be given in evidence by the complainant.

SEC. 12123. *Order of court when accused adjudged reputed father.*—If, in person or by counsel, the accused confesses in court that the accusation is true, or, if the jury find him guilty, he shall be adjudged the reputed father of the bastard child, and stand charged with its maintenance in such sum as the court orders, with payment of costs of prosecution. The court shall require the reputed father to give security to perform such order. If he neglects or refuses to give it, and pay the costs of prosecution, he shall be committed to the jail of the county, there to remain, except as provided in the next following section, until he complies with the order of the court.

SEC. 12124. *Law relating to insolvent debtors.*—After having been confined in prison for three months, for failing to comply with the order provided for in the next preceding section, such putative father shall be entitled to the benefits of the law relating to insolvent debtors, in like manner as persons imprisoned for debt. But before he shall be entitled thereto, he must give at least three days' notice to the complainant or her attorney of his intention to apply therefor.

SEC. 12125. *Effect of death of mother if child living.*—The death of the mother shall not abate the prosecution, if the child is living. A suggestion of the fact shall be made,

the name of the child substituted on the record for that of the mother, and a guardian ad litem appointed, who shall not be liable for costs. In such case the testimony of the mother, reduced to writing before the justice, may be read in evidence.

SEC. 12126. *Effect of death of child, if mother living.*—The death of a bastard child shall not be cause of abatement, or bar a prosecution for bastardy, if the mother is living. The court trying the cause, on conviction, shall take the death into consideration, and give judgment for such sum as it deems just, the payment of which, or security therefor, may be enforced as heretofore provided.

SEC. 12127. *Death of child after judgment.*—Upon the death of a bastard child after judgment and before the expiration of the time limited for the last payment on the judgment, the court which rendered the judgment, on motion and notice, may make such reduction in its amount as is just in view of such death.

SEC. 12128. *Justice to furnish transcript on failure of officer to arrest accused.*—When, from the return of the officer on the warrant, it appears that the accused could not be arrested, upon demand, the justice forthwith shall make a certified transcript of the proceedings before him, including copies of the complaint and warrant, with the return thereon, and deliver them to the complainant or her agent or attorney.

SEC. 12129. *Order of attachment, and grounds thereof.*—Upon filing such transcript in the office of the clerk of the common pleas court in the county in which the justice resides, such clerk shall issue an order of attachment when there is filed in his office an affidavit of the complainant, her agent or attorney, showing:

1. That she is the mother of a bastard child, or pregnant with a child which, if born alive, will be a bastard;
2. That the accused person is the father of such child;
3. The existence of one or more of the following grounds: That the accused is not a resident of this State; or, has absconded with the intent to defraud complainant; or, has left the county of his residence to avoid the service of a warrant; or, so conceals himself, that a warrant can not be served upon him.

SEC. 12130. *Proceedings under attachment.*—The order of attachment shall issue without a bond. The amount of property seized thereon shall not exceed one thousand dollars in appraised value. Attachments under this chapter are subject to the provisions of law as to attachments in civil actions, and shall be governed thereby.

SEC. 12131. *Service by publication.*—Upon the return of the order of attachment, service may be had by the publication, for six consecutive weeks, in a newspaper of general circulation in the county wherein the cause is pending, of a notice of the pendency of the proceeding, stating its object, the substance of the complaint, and that an order of attachment has been issued and served therein. In such case, copies of the complaint and order of attachment, with the return thereon forthwith must be deposited in the post office, directed to the accused at his place of residence, unless it appears to the court, by affidavit, or otherwise, that such residence is unknown to the complainant, and could not, with reasonable diligence be ascertained by her.

SEC. 12132. *Personal service of copies of complaint.*—If the defendant's place of residence is known, personal service of certified copies of the complaint and order of attachment, with the returns thereon, may be made at complainant's election, instead of service by publication. The cause may be heard and determined after the expiration of six weeks from the time of personal service, or the first publication of the notice provided for in the next preceding section.

SEC. 12133. *Order of court with respect to attached property.*—If, on such trial, the accused be adjudged to be the reputed father of the child, the court shall order that unless, within a day to be fixed by it, he pays the sum adjudged against him, with costs of prosecution, so much of the property remaining in the hands of the officer, after applying money from the sale of perishable property, and so much of the personal property, lands and tenements, if any, as are necessary to satisfy such order, be sold, under the same restrictions and regulations as if levied on by execution. The money arising therefrom, with any amount recovered from the garnishee, shall be subject to the order and control of the court, and be applied to satisfy such order in such sums and at such times as the court orders and directs. If there be not enough to satisfy the order, it shall stand, and execution may issue thereon for the residue, as in judgments at law. Any surplus of attached property, or its proceeds, shall be returned to the defendant.

SEC. 12134. *Prosecution of suits by persons interested in support of child.*—When a woman has a bastard child, and neglects to bring a suit for its maintenance, or commences one and fails to prosecute it to final judgment, the trustees of a township, or treasurer of a municipal corporation, interested in the support of such child, or the directors of a county infirmary in which she becomes a charge, when sufficient security is not offered to save such county, township, or municipal corporation from expense, may make complaint in behalf thereof, against him who is accused of begetting such child, or take up and prosecute a complaint begun by the mother of such child.

SEC. 12135. *Who may recover on bonds.*—The directors of a county infirmary, trustees of a township, or treasurer of a municipal corporation, in which a bastard child becomes a charge, may sue and recover upon any bond given to the State in a proceeding against such child's reputed father. The provisions of this chapter, and all the remedies herein allowed, apply to all cases in which the infirmary directors, trustees of townships, or treasurers of municipal corporations, are authorized to commence or prosecute a complaint against the reputed father of an illegitimate child.

SEC. 13008. *Neglect to provide for child or pregnant woman.*—Whoever, being the father, or when charged by law with the maintenance thereof, the mother, of a legitimate or illegitimate child under sixteen years of age, or the husband of a pregnant woman, living in this State, being able by reason of property, or by labor or earnings, to provide such child or such woman with necessary or proper home, care, food and clothing, neglects or refuses so to do, shall be imprisoned in a jail or workhouse at hard labor not less than six months nor more than one year, or in the penitentiary not less than one year nor more than three years.

SEC. 13010. *Convicted person may give bond.*—If a person, after conviction under either of the next two preceding sections and before sentence thereunder, appears before the court in which such conviction took place and enters into bond to the State of Ohio in a sum fixed by the court at not less than five hundred dollars nor more than one thousand dollars, with sureties approved by such court, conditioned that such person will furnish such child or woman with necessary and proper home, care, food and clothing, or will pay promptly each week for such purpose to a trustee named by such court, a sum to be fixed by it, sentence may be suspended.

SEC. 13011. *Where offense in preceding sections committed.*—An offense under the next three preceding sections shall be held to have been committed in any county in which such child or pregnant woman may be at the time such complaint is made.

SEC. 13012. *Neglect to pay for keeping child in children's home.*—Whoever, being the father, or when charged by law with the maintenance thereof, the mother, of a legitimate or illegitimate child under sixteen years of age, being legally an inmate of a county or district children's home in this State, neglects or refuses to pay to the trustees of such home, the reasonable cost of keeping such child in such home when able so to do by reason of property, or by labor or earnings, shall be imprisoned in a jail or workhouse at hard labor not less than six months nor more than one year, or in the penitentiary not less than one year nor more than three years.

SEC. 13013. *Convicted person may give bond.*—If a person, after conviction under the next preceding section and before sentence thereunder, appears before the court in which such conviction took place and enters into bond to the State of Ohio in a sum fixed by the court at not less than five hundred dollars, with sureties approved by such court, conditioned that such person will pay, so long as such child remains in such home, to the trustees thereof or to a trustee to be named by the court, for the benefit of the trustees of such home, the reasonable cost of keeping such child, the amount and time of payment to be fixed by the court, sentence may be suspended.

SEC. 13014. *Where offense in preceding section committed.*—An offense under section thirteen thousand and twelve shall be held to have been committed in the county where such children's home is situated.

SEC. 13015. *Failure to give bond—Arrest.*—Upon failure of such father or mother, or husband of such pregnant woman to comply with any order and undertaking provided for in this subdivision of this chapter he or she may be arrested by the sheriff or other officer, on a warrant issued on the praecipe of the prosecuting attorney, and brought before the court for sentence. Thereupon the court may pass sentence, or, for good cause shown, may modify the order as to the time and amount of payments, or take a new undertaking and further suspend sentence as may be for the best interests of such child or children or pregnant woman and the public.

SEC. 13016. *Duties of trustee.*—The trustee appointed by the court under this subdivision of this chapter, shall make quarterly reports of the receipts and expenditures of all moneys coming into his hands as herein provided, such reports to be made to the county commissioners of the county from which such person was sentenced, or to the board of managers of the penitentiary or reformatory as the case may be. The court may require such trustees to enter into a good and sufficient bond for the faithful performance of the duties so imposed on him.

SEC. 13017. *Humane society may act as trustee.*—For the purposes set forth in the provisions of this subdivision of this chapter, a humane society, incorporated, and existing under the laws of this State, being willing to render its services without compensation, may be appointed by the court as such trustee, and when so appointed, shall have the powers of such trustee as herein conferred.

SEC. 13018. *Amount credited convict paid to trustee.*—When a person is convicted, sentenced and fined, under any provisions of this subdivision of this chapter, in a workhouse, the county from which he is so convicted, sentenced and confined, upon the warrant of the county auditor of such county, and out of the general revenue fund thereof, shall pay monthly fifty cents for each day he is so confined, to the trustee appointed by the court under any of such provisions, to be expended by such trustee for the maintenance of the child or children under sixteen years of age, of such person as provided in such provisions. (As amended by Laws 1913, p. 913.)

SEC. 13019. *Persons confined shall be credited with 40 cents per day.*—The board of managers of the penitentiary, or reformatory, to which a person is sentenced and confined under this subdivision of this chapter, shall credit such person with forty cents per day for each working day during the period of such confinement, which shall be paid, or caused to be paid, by such board to such trustee. (As amended by Laws 1911, p. 115.)

SEC. 13020. *Trustee to be named in mittimus.*—When a person is imprisoned in a workhouse, penitentiary or reformatory under this subdivision of this chapter, the name and post-office address of the trustee so appointed by the court shall appear in the mittimus.

SEC. 13021. *Continuance of citizenship.*—Citizenship once acquired in this State by a father or mother of a legitimate or illegitimate child living in this State, for the purpose of this subdivision of this chapter, shall continue until such child has arrived at the age of sixteen years, provided such child so long continues to live in this State.

NOTE ON BIRTH REGISTRATION.—Certificate states whether legitimate or illegitimate; also full name of father, except in the case of illegitimate births. (Sec. 219, as amended by Laws 1913, p. 194.)

## OKLAHOMA.

Revised Laws, 1910.

SECTION 4401. *Bastardy: jurisdiction.*—Whenever any woman residing in any county of this State is delivered of a bastard child, or is pregnant with a child which if born alive will be a bastard, complaint may be made in writing duly verified, by any person to the county court of the county where such woman resides, stating that fact and charging the proper person with being the father thereof. The proceeding shall be entitled in the name of the State against the accused as defendant.

SEC. 4402. *Arrest of party charged.*—Upon the filing of such complaint the county judge shall issue his warrant for the arrest of the accused, requiring that he be forthwith brought before such court for trial.

SEC. 4403. *Filing charge; lien.*—From the time of the filing of such complaint a lien shall be created upon the real property of the accused in the county where the action is pending, for the payment of any money and the performance of any order adjudged by the proper court.

SEC. 4404. *Attachment on complaint may issue.*—The judge may also issue an attachment on such complaint without bond, which attachment shall specify the amount in value of property to be seized under the attachment. Such attachment may be revoked at any time by the court on such terms as the court may prescribe.

SEC. 4405. *County attorney; duties.*—It is hereby made the duty of the county attorney of the proper county to appear and prosecute all actions brought under this article [secs. 4401-4411].

SEC. 4406. *Trial of issue.*—Upon the defendant being brought before the court, if he deny the truth of the complaint, the issue to be tried shall be "guilty" or "not guilty," and shall be tried summarily before the court, unless the defendant demand a trial by jury.

SEC. 4407. *Trial—Bond for appearance—Forfeited bond benefit of child.*—If a jury is demanded, the case shall be set for trial at the next term of court, and in the meantime the defendant may be admitted to bail for his appearance at that time, upon his executing a recognizance in a sum fixed by the court, conditioned that he will appear at the time to which such action may be continued. Upon the execution and approval of such recognizance the defendant shall be discharged. In any case where the said bond is forfeited and recovery is had thereon, the proceeds thereof shall be paid into the county court to be held by said court in trust for said child and to be paid out under order of said court. (As amended by Laws 1915, ch. 91.)

SEC. 4408. *Penalty.*—If the accused be found guilty, he shall be charged with the maintenance of the child in such sum or sums, and in such manner as the court shall direct, and with the costs of suit, and execution may issue, immediately, and

afterwards from time to time for the collection of any sum or sums ordered to be paid, and in addition thereto the court shall require the defendant to secure the performance of the order of the court, in such manner as the court shall direct.

SEC. 4409. *Powers of judge.*—The court may at any time, enlarge, diminish or vacate any order or judgment in proceeding under this article on such notice to the defendant and county attorney as the court may prescribe.

SEC. 4410. *Appeals; how taken.*—Appeals may be taken in cases brought under the provisions of this article in the same manner and with like effect as in other actions in the county court.

SEC. 4411. *Duties of county commissioners.*—The board of county commissioners is hereby required to cause proceedings under this article to be brought in all cases where any bastard child or its mother is liable to become a charge upon the county.

SEC. 1816. *County court; jurisdiction.*—\* \* \* The county court, coextensive with the county, shall have original jurisdiction in all probate matters and bastardy proceedings. \* \* \* (As amended by Laws 1917, ch. 119.)

SEC. 2438. *Concealing stillbirth or death of child.*—Any woman who endeavors either by herself or by the aid of others to conceal the stillbirth of an issue of her body, which if born alive would be a bastard, or the death of any such issue under the age of two years, is punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or both.

SEC. 2807. *Attempt to conceal death of child.*—Any woman who, having been convicted of endeavoring to conceal the birth of an issue of her body, which, if born alive, would be a bastard, or the death of any such issue under the age of two years, subsequently to such conviction endeavors to conceal any such birth or death of issue of her body, is punishable by imprisonment in the penitentiary not exceeding five years and not less than two.

SEC. 3885. *Marriage; who may contract.*—Any unmarried male of the age of twenty-one years or upwards, or any unmarried female of the age of eighteen years or upwards and not otherwise disqualified, is capable of contracting and consenting to marriage; but no female under the age of eighteen years and no male under the age of twenty-one years shall enter into the marriage relation, nor shall any license issue therefor, except upon the consent and authority expressly given, either in person or in writing, by a parent or guardian, and if such consent be given in writing, the written instrument must be acknowledged before some officer authorized to take acknowledgments to deeds, and every male under the age of eighteen years, and every female under the age of fifteen years are expressly forbidden and prohibited from entering into the marriage relation: *Provided*, That this section shall not be construed to prevent the courts from authorizing the marriage of persons under the ages herein mentioned, in settlement of suits for seduction or bastardy, when such marriage would not be incestuous under this chapter.

SEC. 4364. *Legitimacy presumed.*—All children born in wedlock are presumed to be legitimate.

SEC. 4365. *Children born after dissolution of marriage or before wedlock.*—All children of a woman who has been married, born within ten months after the dissolution of the marriage, are presumed to be legitimate children of that marriage. A child born before wedlock becomes legitimate by the subsequent marriage of its parent.

SEC. 4366. *Disputed legitimacy.*—The presumption of legitimacy can be disputed only by the husband or wife, or the descendant of one or both of them. Illegitimacy, in such a case, may be proved like any other fact.

SEC. 4369. *Custody of illegitimate child.*—The mother of an illegitimate unmarried minor is entitled to its custody, services and earnings.

SEC. 4388. *Consent of parents.*—A legitimate child can not be adopted without the consent of its parents, if living, nor an illegitimate child without the consent of its mother, if living, except that consent is not necessary from a father or mother deprived of civil rights or adjudged guilty of adultery, or of cruelty, and for either cause divorced or adjudged to be an habitual drunkard, or who has been judiciously deprived of the custody of the child, on account of cruelty or neglect.

SEC. 4399. *Adoption of illegitimate child by father.*—The father of an illegitimate child by publicly acknowledging it as his own, receiving it as such, with the consent of his wife, if he is married, into his family, and otherwise treating it as if it were a legitimate child, thereby adopts it as such, and such child is thereupon deemed for all purposes legitimate from the time of its

birth. The status thus created is that of a child adopted by regular procedure of court. The foregoing provisions of this article do not apply to such an adoption. (As amended by Laws 1910/11, ch. 73.)

Sec. 3326. *Guardian appointed; how.*—A guardian of the person or estate, or of both, of a child born, or likely to be born, may be appointed by will or by deed, to take effect upon the death of the parent appointing:

Second. If the child be illegitimate, by the mother.

Sec. 4534. *Legal residence.*—Legal residence may be acquired in any county for purposes of county relief as follows:

Fourth. Illegitimate children shall have the residence of their mothers, if she have one in the State.

Sec. 4974. *Marriage void.*—When either of the parties to a marriage shall be incapable, from want of age or understanding, of contracting such marriage, the same may be declared void by the district court, in an action brought by the incapable party, or by the parent or guardian of such party; but the children of such marriage, begotten before the same is annulled, shall be legitimate. Cohabitation after such incapacity ceases, shall be sufficient defense to any such action.

Sec. 8420. *Inheritance by illegitimate child.*—Every illegitimate child is an heir of the person who in writing, signed in the presence of a competent witness, acknowledges himself to be the father of such child; and in all cases is an heir of his mother; and inherits his or her estate, in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock; but he does not represent his father or mother by inheriting any part of the estate of his or her kindred, either lineal or collateral, unless before his death his parents shall have intermarried, and his father after such marriage, acknowledges him as his child, or adopts him into his family; in which case such child and all the legitimate children are considered brothers and sisters, and on the death of either of them, intestate, and without issue, the others inherit his estate, and are heirs, as hereinbefore provided, in like manner as if all the children had been legitimate; saving to the father and mother respectively, their rights in the estate of all the children in like manner as if all had been legitimate. The issue of all marriages null in law, or dissolved by divorce, are legitimate.

Sec. 8421. *Inheritance from illegitimate child.*—If an illegitimate child, who has not been acknowledged or adopted by his father, dies intestate, without lawful issue, his estate goes to his mother, or, in case of her decease, to her heirs at law.

NOTE ON BIRTH REGISTRATION.—Certificate states whether legitimate or illegitimate. (Laws 1917, ch. 168, sec. 14.)

## OREGON.

Lord's Laws, 1910.

SECTION 798. *Conclusive presumptions.*—The following presumptions, and no others, are deemed conclusive:

Presumption of legitimacy. 6. That the issue of a wife cohabiting with her husband, who is not impotent, is legitimate.

SEC. 799. *Certain disputable presumptions.*—All other presumptions are satisfactory, unless overcome. They are denominated disputable presumptions and may be controverted by other evidence. The following are of that kind:

32. That a child born in lawful wedlock, there being no divorce from bed or board, is legitimate.

Sec. 2080. *Concealing death of child.*—If any unmarried woman shall conceal the death of any issue of her body, so that it may not be known whether such issue was born alive or not, or whether it was not murdered, such woman, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than one year, or by imprisonment in the county jail not less than three months nor more than one year.

Sec. 2088. *Indictment of mother for murder of bastard.*—When a woman is indicted for the murder of her bastard infant, she may also be charged in the same indictment with the crime defined in section 2080, and if she shall be found not guilty of the charge of murder, she may be found guilty of the crime defined in such section, and punished accordingly.



**SEC. 7026. *Marriage legitimates bastards—Marriage according to ritual of congregation, valid.***—Illegitimate children become legitimate by the subsequent marriage of their parents with each other; and all marriages, to which there are no legal impediments, solemnized before or in any religious organization or congregation, according to the established ritual or form commonly practiced therein, are valid; but in such case, a certificate thereof, containing the particulars specified in section 7021, shall be made and filed for record by the person or persons presiding or officiating in such religious organization or congregation, in like manner and with like effect as in ordinary cases.

**Legitimation.**

**SEC. 7351. *Illegitimate child heir of mother, but can not claim through her.***—An illegitimate child shall be considered an heir of its mother, and shall inherit or receive her property, real or personal, in whole or in part, as the case may be, in like manner as if such child had been born in lawful wedlock; but such child shall not be entitled to inherit or receive, as representing his mother, any property, real or personal, of the kindred, either lineal or collateral, of such mother: *Provided*, That when the parents of such child have formally married, and lived and cohabited as husband and wife, such child shall not be regarded as illegitimate within the meaning of this act, although such formal marriage shall be adjudged to be void.

**Inheritance; void marriages.**

**SEC. 7352 *Mother; when heir to illegitimate child—Marriage of parents legitimates child.***—If an illegitimate child shall die intestate, without leaving a widow, husband, or lawful issue, the property, real and personal, of such intestate shall descend to or be received by his mother; but if after the birth of an illegitimate child the parents thereof shall intermarry, such child shall be considered legitimate to all intents and purposes.

**Inheritance and legitimation.**

**Laws of 1917, ch. 48.** To provide for the support and maintenance of illegitimate children and children born out of lawful wedlock, and to define the rights, duties and obligations of the father and mother of such children, and fixing rights of inheritance.

**SEC. 1. *Proceedings on complaint.***—On complaint being made to any justice of the peace by any unmarried female who shall hereafter be delivered of an illegitimate child or child born out of wedlock, or who shall be pregnant with a child which, if born alive, may be an illegitimate child, or a child born out of lawful wedlock, accusing any person of being the father of such child, the justice shall take such complaint in writing under the oath of such female, and shall thereupon issue his warrant against the person accused, directed to the sheriff or any constable in his county, commanding him forthwith to bring such accused before the justice to answer to such complaint.

**Illegitimacy proceedings.**

**SEC. 2. *Proceedings on return of warrant.***—On the return of such warrant, if the accused be in custody or shall appear, the justice shall examine the complainant under oath respecting the cause of complaint, and the accused may cross-examine her and put any question necessary for his defense, subject to the rules of evidence as provided by the Code of Civil Procedure. Witnesses may be examined on behalf of either party. All testimony taken and proceedings had shall be reduced to writing; the proceedings for cause shown may be adjourned from time to time, not exceeding five days at any one time; and on such adjournment the accused may be recognized for his appearance for such examination in a sum not less than \$100 nor more than \$1,000, and with sureties to the satisfaction of the justice; and in default thereof he shall be committed, pending such examination, to the county jail. The accused shall be entitled to a removal of such action as in criminal examination before justices of the peace.

**SEC. 3. *Discharge of accused.***—If the accused person shall pay or secure to be paid to the female complaining, such sum of money, or other property, as she may agree to receive in full satisfaction, and as shall be approved by the judge of the juvenile court of the county wherein such action is pending, of which agreement and approval the justice shall make a memorandum on his docket, and shall also give bonds with sufficient sureties to be approved by the justice to the county, conditional to secure and indemnify such county from all charges for the maintenance of such child, and shall also pay all expenses, if any, incurred by such county for the lying-in and the support and attendance upon the mother during her sickness, and the costs of prosecution, the justice shall discharge such accused person.

**SEC. 4. *Recognizance and commitment.***—In case any person accused as aforesaid shall not comply with the provisions of the preceding section and there is probable cause to believe the accused person guilty, the justice shall bind such person in a recognizance, with one or more sureties, to be approved by the justice, in a sum of not less than \$200 nor more than \$2,000, to appear at the next term of the circuit court for the proper county, and from time to time thereafter until final judgment, to answer

to the said complaint and to abide the order of said court thereon; and on his neglect or refusal to find such security, the justice shall cause him to be committed to the county jail, there to be held to answer to such complaint; and such justice shall thereupon certify and return the examination and all testimony so taken before him, with all process and papers in the case, to the clerk of said court. In case any examination has been had, as provided by law, and the person complained of has been discharged for want of sufficient evidence to raise a probability of his guilt, and the district attorney shall afterward find admissible evidence sufficient, in his judgment, to convict the person discharged, he may, notwithstanding such discharge, cause another complaint to be made before any officer authorized by law to make such examination, and thereupon another arrest and examination shall be had.

SEC. 5. Upon the trial of the case the issue shall be as to whether the accused is guilty or not guilty; and if the mother of the child be dead, her examination taken before the justice may be read in evidence, and in all cases it shall be read when demanded by the accused. If the accused shall be found guilty or shall admit the guilt of the accusation, he shall be adjudged to be the father of such child, and shall stand chargeable with its future maintenance in such sum and in such manner as the court shall direct, and also for all expenses incurred by such county or by the mother of such child for the lying-in and attendance of the mother during her sickness, and also for the care and support of such child since its birth and for the costs of the prosecution. All which matters shall be ascertained and fixed by the court, and shall be inserted in the judgment: *Provided, however*, That the judgment of the court providing for the maintenance of such child by the father shall be in a yearly sum not less than \$100 nor more than \$350 for the first two years, and not less [than] \$150 nor more than \$500 for each year succeeding until the child reaches the age of fourteen years: *Provided, further*, That defendant shall be entitled to the right of trial by jury, and appeal, as provided in civil actions: *And provided, further*, That no conviction shall be had upon the uncorroborated testimony of said female.

SEC. 6. *Bond or commitment*.—If the person so adjudged to be the father of such child shall give a bond to the proper person in such sum and with such sureties as shall be approved by the court, conditioned for the performance of such judgment and the payment of all sums ordered thereby to be paid as therein directed, and shall pay the costs of prosecution and any sums adjudged then to be paid, he shall be discharged; otherwise he shall be committed to the county jail until he shall comply with and perform such judgment or shall be otherwise discharged according to law. In counties having and maintaining a house of correction, or workhouse, the commitment may be to the house of correction or workhouse of said county, instead of the county jail.

SEC. 7. *When and how discharged*.—Any person who shall have been so imprisoned ninety days may apply for his discharge from imprisonment in the manner provided by law for the discharge from imprisonment of persons confined in jail upon executions against the person; but notice of the application for such discharge shall be given to the complainant, if living, within the State and also the district attorney for the county at least fifteen days before such application for discharge is made: *Provided, however*, That any such person may be recommitted within thirty days after such discharge, as provided in the preceding section hereof.

SEC. 8. *Execution*.—The court, upon motion by the mother of such child or of any person interested, may, from time to time, order execution to issue against the defendant and his sureties in any bond given as aforesaid to secure the performance of any such judgments, or against a defendant who shall have been discharged under the preceding section, for such sum as may at any time become due thereon and remain unpaid.

SEC. 9. *Prosecution by officers*.—When the mother of an illegitimate child or a child born out of wedlock commences any such proceedings and fails to prosecute the same, the proper officers of the county, or any person interested in the support of such child, may prosecute the proceedings commenced by the mother to final judgment.

SEC. 10. *Inquiry of officers*.—If any female shall be delivered of an illegitimate child or child born out of wedlock, which is, or is likely to become a public charge, or if said female shall be pregnant of a child likely to be born in the condition aforesaid and become a public charge, any public officer duly authorized to make arrests, or to cause arrests, may, if he deems proper, apply to some justice of the peace of the county in which said female resides, who shall thereupon examine such female respecting the father of such child, the time when, and the place where, such child was begotten, and as to such other circumstances as he may deem necessary; and such justice shall reduce such examination to writing and shall thereupon issue his warrant, without further or formal complaint, to apprehend the reputed father, and the same proceeding shall be had thereon and with like effects as are hereinbefore provided in cases of complaint made by such female.

SEC. 11. *Attendance of female.*—Any warrant issued under this chapter may be executed in any part of this State; and in all cases said county officers and the accused may compel the said female to attend and testify the same as witnesses in other cases.

SEC. 12. *Compromise.*—The judge of the juvenile court of the county wherein such female shall reside shall have power to make such compromise or arrangement with the putative father of any illegitimate child or child born out of wedlock relative to the support of such child as the said judge shall deem equitable and just, and thereupon may discharge said putative father from all liability for the support of said child.

SEC. 13. Any contract made between a mother of an illegitimate child or child born out of lawful wedlock, and the father of said child, shall be held and deemed in all courts of the State of Oregon to be a legal contract, and the admission by said father of the parentage of said child shall be a sufficient and legal consideration to support said contract.

SEC. 14. Whenever by the court proceeding hereinabove provided, or as is provided by section 3 of this act, the parentage of an illegitimate child shall have been established not later than three years after the birth of such child, and while the father is still alive, such child shall have the same rights of inheritance to the property of the father as now provided by law in regard to inheritance from his or her mother.

NOTE ON ADOPTION LAW.—Illegitimate mother deemed to be of age for purpose of consenting to adoption of child. (Sec. 7099, as amended by Laws 1915, ch. 31.)

NOTE ON WORKMEN'S COMPENSATION LAW.—"Child" includes an illegitimate child legitimated prior to the injury. (Laws 1913, ch. 112, sec. 14, as amended by Laws 1917, ch. 288, sec. 5.)

NOTE ON BIRTH REGISTRATION.—Certificate states whether legitimate or illegitimate. (Laws 1917, ch. 384.)

## PENNSYLVANIA.

Pardon's Digest of Laws, 1700-1903, vols. 1-4; Supplement, 1905-1915, vols. 5-7.

Vol. 1, pp. 955-957.

SECTION 247. If any person shall commit fornication, and be thereof convicted, he or she shall be sentenced to pay a fine, not exceeding one hundred dollars, to the guardians, directors or overseers of the poor of the city, county or township where the offense was committed, for the use of the poor of such city, county or township; and any single or unmarried woman having a child born of her body, the same shall be sufficient to convict such single or unmarried woman of fornication; and the man by such woman charged to be the father of such bastard child, shall be the reputed father, and she persisting in the said charge, in the time of her extremity of labor, or afterwards in open court, upon the trial of such person so charged, the same shall be given in evidence, in order to convict such person of fornication; and such person being thereof convicted, shall be sentenced, in addition to the fine aforesaid, to pay the expenses incurred at the birth of such child, and to give security, by one or more sureties, and in such sum as the court shall direct, to the guardians, directors or overseers of the poor of the city, county or township where such child was born, to perform such order for the maintenance of the said child, as the court before which such conviction is had shall direct and appoint.

SEC. 248. If a bastard child is begotten out of the State, and born within the State, or begotten within one of the counties of this State, and born in another, in the latter case, the prosecution of the reputed father shall be in the county where the bastard child shall be born, and the like sentence shall be passed as if the bastard child had been or shall have been begotten within the same county; and in the former case, viz.: of a bastard begotten without the State and born within it, the like sentence shall be passed, except in the imposition of a fine, which part of the sentence shall be omitted.

Vol. 5, p. 5852 (Laws 1907, no. 293, secs. 1-6).

SEC. 52. From and after the passage of this act, when any person shall have been convicted of fornication and bastardy, and sentenced by any court of quarter sessions to pay to the mother of any bastard child any sum or sums of money for the support of such child, it shall be lawful for the mother of such child to file, in the court of common pleas of the county in which such conviction shall have been had, a copy of such sentence, certified by the clerks of the proper court of quarter sessions and under the seal thereof upon which copy, so filed, the prothonotary of the court of common pleas shall enter judgment in favor of the mother and against the defendant, for the full amount of the said sentence, payable in the instalments therein provided, with interest thereon from the time they shall respectively become due, and costs of suit.

SEC. 53. If default be made in the payment of any such installments, and continue for five days, a writ of fieri facias may issue for the collection of all past due installments, and no exemption of property from levy and sale shall be allowed.

SEC. 54. In addition to the writ of fieri facias, above provided, an attachment execution may be issued, and, in addition to such rights and credits as are now attachable, wages and salaries may also be attached thereon, and no exemption of any money, rights, or credits attached thereby shall be allowed.

SEC. 55. The said writs, either or both, may be issued as often as default occurs, until the whole judgment be paid.

SEC. 56. The defendants shall be liable for all costs on any of said writs when properly issued.

SEC. 57. All acts or parts of acts inconsistent herewith are hereby repealed.

Vol. 2., pp. 2004-2005.

SEC. 52. Illegitimate children shall take and be known by the name of their mother, and they and their issue and their mother and grandmother shall respectively have capacity to take or inherit from each other personal estate as next of kin, and real estate as heirs in fee simple; and as respects said real or personal estate so taken and inherited, to transmit the same according to the intestate laws of this State. This act shall apply to all cases now pending where the estate of such illegitimate or their mother or grandmother has not been actually paid to and received by collateral heirs or relatives, or the commonwealth, as well as to all such cases happening after the passage of this act.<sup>1</sup>

SEC. 55. Illegitimate children shall take and be known by the name of their mother, and the common law doctrine of nullius filius shall not apply as between the mother and her illegitimate child or children. But the mother and her heirs, and her illegitimate child and its heirs, shall be mutually liable one to the other, and shall enjoy all the rights and privileges one to the other, in the same manner and to the same extent, as if the said child or children had been born in lawful wedlock.

Vol. 3, pp. 2445-2446.

SEC. 31. In any and every case where the father and mother of an illegitimate child or children shall enter into the bonds of lawful wedlock and cohabit, such child or children shall thereby become legitimated, and enjoy all the rights and privileges as if they had been born during the wedlock of their parents.

SEC. 32. The act, entitled "An act to legitimate children born out of lawful wedlock," passed the 14th day of May 1857, shall be taken to apply to all cases within the terms of that act, prior to its date, as well as those subsequent thereto: *Provided*, That no estate already vested shall be divested by the act.

SEC. 33. All marriages heretofore contracted between parties within the degrees of affinity, as prescribed in the 39th section of the act of 21st March 1860, of which issue is born, are hereby legalized, and the child or children of such marriages shall have all the rights and privileges of children born in lawful wedlock: *Provided*, That nothing in this act shall relate to marriages within the degrees of consanguinity as now prohibited by law.

Vol. 3, p. 3197.

SEC. 4. Illegitimate children shall take and be known by the name of their mother.

Vol. 3, p. 3566.

SEC. 60. Every illegitimate child shall be deemed to be settled in the place where the mother was legally settled, at the time of the birth of such child.

LAWS OF 1917, No. 192. An act relating to the descent and distribution of the real and personal property of persons dying intestate; and to provide for the recording and registering of the decrees of the orphans' court in connection therewith, and the fees therefor.

SEC. 14. Except as otherwise provided in section 15, the foregoing provisions of this act relative to descent and distribution of real and personal estate among the heirs and next of kin of intestates shall be construed to mean such persons only as may have been born in lawful wedlock.

<sup>1</sup> Repealed in so far as it relates to inheritance, etc., by Laws 1917, no. 192.

**SEC. 15 (a).** The mother of an illegitimate child, her heirs and next of kin, the maternal grandfather and grandmother of said illegitimate child, **Inheritance and legitimation.** and said illegitimate child, its heirs and next of kin, shall have capacity to take or inherit from each other personal estate as next of kin, and real estate as heirs, under the foregoing provisions of this act, in the same manner and to the same extent as if said child or children had been born in lawful wedlock.

(b) Every illegitimate child shall be considered as a brother or sister to every other child of its mother, legitimate or illegitimate.

(c) The intent of this section is to legitimate an illegitimate child only so far as is provided by clauses (a) and (b) hereof. This section is not intended to change the existing law with regard to the father of such a child, and his heirs and next of kin.

(d) In any and every case where the father and mother of an illegitimate child, or children, shall enter into the bonds of lawful wedlock, or shall heretofore have entered into the bonds of lawful wedlock, such child or children shall be legitimated for all purposes of inheritance by, from, or through such child or children, under the provisions of this act, as if he or they had been born during the wedlock of his or their parents.

**SEC. 27.** This act shall take effect on the thirty-first day of December, nineteen hundred and seventeen, and shall apply to the estates, real and personal, of all persons dying intestate on or after said day. As to the estates, real and personal, of all persons dying before that day, the existing laws shall remain in full force and effect.

**SEC. 28.** This act of assembly is intended as an entire and complete system for the descent and distribution of the estates, real and personal, of persons dying intestate. \* \* \*

Vol. 1, p. 931.

**SEC. 3.** If any woman shall endeavor, privately, either by herself or the procurement of others, to conceal the death of any issue of her **Concealment of body, male or female, which, if it were born alive, would by law be a bastard, so that it may not come to light, whether it was born dead or alive, or whether it was murdered or not, every such mother, being convicted thereof, shall suffer an imprisonment by separate or solitary confinement at labor, not exceeding three years. And if the grand jury shall, in the same indictment, charge any woman with the murder of her bastard child, as well as with the offense aforesaid, the jury by whom such woman shall be tried, may either acquit or convict her of both offenses, or find her guilty of one and acquit her of the other, as the case may be.**

Vol. 1, p. 1247.

**SEC. 32.** The wife or husband who shall have been guilty of the crime of adultery, shall not marry the person with whom the said crime was committed, during the life of the former wife or husband; **Divorces.** but nothing herein contained shall be construed to extend to or affect, or render illegitimate, any children born of the body of the wife during coverture.

**Laws of 1917, No. 145.** An act to increase the powers of courts in proceedings for desertion and nonsupport of wives, children, or aged parents; and in proceedings for failure to comply with orders of court in fornication and bastardy proceedings, or other proceedings for the support of illegitimate children; directing that imprisonment, in such cases, be at hard labor in such institution as the court shall name; providing for the payment by such institution, or, in certain cases, by the county from which the defendant was committed, of the sum of sixty-five cents per day, to be paid to the person designated by the order of the court; providing for the issuance of attachments, and for the disbursement of moneys collected on forfeiture of bonds, bail-bonds, or recognizances; and providing for the payment by the county of the expenses incident to carrying out this act. (Approved May 24, 1917.)

**SEC. 1.** Whenever in any proceedings brought against any man, wherein it is charged that he has, without reasonable cause, separated himself from his **Illegitimacy proceedings; abandonment and nonsupport.** wife or children, or from both, or has neglected to maintain his wife or children; or in any proceedings where any father of an illegitimate child has neglected to comply with the order of court made against him, in fornication and bastardy proceedings, or in any other proceedings for the support of such child, for the payment to the mother of expenses incurred at the birth of the child; or in any proceedings where any child of full age has neglected or shall neglect to maintain his or her parents, not able to work or of sufficient ability to maintain themselves,—the court having jurisdiction shall commit the defendant to imprisonment, for want of a bond with security; or, otherwise, the court may order the defendant to be imprisoned at hard labor under existing laws, or laws that may hereafter be passed, in such penal or reformatory institution in this



## PORTO RICO.

Revised Statutes and Codes, 1911.

**SECTION 3250.** Children are legitimate, illegitimate, or legitimized. 1. Legitimate children are those born in wedlock. 2. Illegitimate children are those born out of wedlock. 3. Illegitimate children may be

**Definitions.** legitimized either by the marriage of their parents, or in accordance with the provisions of this code.

**SEC. 3251.** Legitimate children are those born 180 days after the marriage has been celebrated and before 300 days have passed after the marriage has been dissolved.

**Definitions and presumption of legitimacy.** Against legitimacy no other proof shall be admitted than the physical impossibility of the husband to use his wife within the first one hundred and twenty days of the three hundred days that have preceded the birth of the child.

**SEC. 3252.** A child is also legitimate if born within 180 days after the celebration of the marriage, if the husband should not contest legitimacy.

**SEC. 3253.** The legitimacy of a child may be disputed if born after 300 days from the dissolution of the marriage; but the child and its mother shall also have the right to prove the paternity of the husband in such case.

**SEC. 3254.** Legitimacy can only be disputed by the husband or his legitimate heirs. The latter can only contest the legitimacy of a child in the following cases: 1. If the husband has died before the termination of the period fixed for instituting his action in court. 2. If he shall have died after presenting his action without having desisted from it. 3. If the child was born after the death of the husband.

**SEC. 3255.** The action to contest the legitimacy of the child shall be instituted within three months after the inscription of its birth in the registry, if the husband be in Porto Rico, or after six months if he should be abroad, reckoning from the time he has knowledge of the birth.

**SEC. 3257.** Only natural children are entitled to be legitimized. (As amended **Legitimation.** by act of March 9, 1911, p. 234.)

**SEC. 3258.** The legitimation of natural children shall be accomplished by the subsequent wedlock of the parents. (As amended by act of March 9, 1911, p. 234.)

**SEC. 3259.** Legitimized children shall enjoy the same rights as the legitimate children. (As amended by act of March 9, 1911, p. 234.)

**SEC. 3260.** The legitimation shall become effective from and after the date of the wedlock of the parents. (As amended by act of March 9, 1911, p. 234.)

**SEC. 3261.** The legitimation of children dying prior to the wedlock of their parents shall benefit their descendants. (As amended by act of March 9, 1911, p. 234.)

**SEC. 3262.** The legitimation may be disputed by persons considering their rights impaired, when the legitimation be granted in favor of persons not having the lawful condition of natural children, or when the requirements prescribed in this chapter have not been met. (As amended by act of March 9, 1911, p. 234.)

**SEC. 3263.** Natural children are those born out of wedlock, from parents, who, at the moment when such children were conceived or were born could have intermarried with or without dispensation. (As amended **Definition: proof of paternity and maternity.** by act of March 9, 1911, p. 234.)

The natural child may be recognized by the father and mother conjointly or by one of them only either in the record of birth or in the testament or in any other public instrument.

*The father is obliged to recognize the natural child:*

1. When there exists an indubitable statement in writing of the father wherein he expressly acknowledges his paternity.

2. Where the child has uninterruptedly enjoyed the condition as of a natural child of the defendant father justified by acts of the same father or of his family.

3. When the mother was known to have lived in concubinage with the father, both during her pregnancy and at the time of the birth of the child.

4. When the child may present any authentic evidence of his paternity.

The mother shall likewise be obliged to recognize a natural child in the same cases as the father, and further where the act of the confinement and the identity of the child are fully established.

The child, if of age, can not be recognized without his consent.

When the recognition of the minor is not made at the time of recording the birth or in the testament, the approval of the judge of the district court of the district where the child resides, with the concurrence of the fiscal, shall be necessary.

SEC. 3264. The action for the recognition of natural children, can only be established during the life of the presumptive parents, and a year beyond their death except in the following instances:

1. If the father or the mother shall have died during the minority of the child, in which case, the child may bring his action before the first four years of his having attained his majority, shall have elapsed.

2. If after the death of the father or mother there shall appear a written statement or document, of which no notice was previously had, wherein the child is expressly recognized.

In this case the action shall be established within the next six months after the document has been discovered.

The recognition of a child not having the qualifications provided for in paragraph first of section 3263 can be disputed by whomsoever may be affected thereby. (As amended by act of March 9, 1911, p. 234.)

SEC. 3265. A natural child has the right:

- |   |  |
|---|--|
| <p><b>Name; support; inheritance.</b></p> | <p>1. To use the surname of the parent making the recognition.</p> <p>2. To be supported.</p> <p>3. To receive the hereditary portion determined in this code.</p> |
|---|--|
- (As amended by act of March 9, 1911, p. 234.)

SEC. 3266. The illegitimate children lacking the lawful qualification of natural children are only entitled to such support from their parents, as is prescribed in section 3283. (As amended by act of March 9, 1911,

**Support.**

p. 234.)

SEC. 3267. The right to the support mentioned in the preceding section can only be exercised:

1. Where the paternity or maternity is inferred from a final judgment rendered in a criminal or civil action.

2. Where the paternity or maternity is shown by a[n] indubitable document from the father or mother wherein the filiation is expressly recognized. (As amended by act of March 9, 1911, p. 234.)

SEC. 3809. The acknowledgment of an illegitimate child does not lose its legal force even though the will in which it was made may be revoked.

**Legitimation.**

SEC. 3282. Support is understood to be all that is indispensable for maintenance, housing, clothing, and medical attention, according to the social position of the family.

**Support.**

Support also includes the education and instruction of the person supported when he is a minor.

SEC. 3283. The following are obliged to support each other, within the full meaning of the preceding section:

1. Husband and wife.
2. Legitimate ascendants and descendants.
3. Parents and legitimized children and the descendants of the latter.
4. Parents and illegitimate children and the legitimate descendants of the latter.
5. The adopter and the person adopted, excepting the provisions of section 3276.

Brothers and sisters also owe to their legitimate brothers and sisters, even when only on the mother's or the father's side, the aid necessary to maintain their existence, when through a physical or mental defect or for any other cause not the fault of the person requiring support, the said person can not provide for himself. With such support are included the expenses necessary for the elementary education and teaching of a profession or trade.

SEC. 3284. A claim for support, when proper and when there are two or more persons who are bound to give it, shall be made in the following order:

1. To the husband or wife.
2. To the nearest descendants.
3. To the nearest ascendants.
4. To brothers or sisters.

Among descendants and ascendants the gradation shall follow the order in which they are to inherit the legitime of the person having the right to be supported.

SEC. 3285. When the obligation to support devolves upon two or more persons, the amount that each shall pay shall be proportioned to his respective estate.

Nevertheless, in cases of urgent necessity and under special circumstances, the judge may order one of them to provisionally provide such support, and he shall have the right to reclaim from the others their corresponding part of the amount.

When two or more persons claim support at the same time of a person lawfully obliged to give it, and the latter have not sufficient fortune to attend to the needs of all, the order established in the preceding section shall be observed, unless the



persons requiring support be the husband or wife and a child subject to patria potestas, in which case such husband or wife shall be preferred to the child if they be the mother or father of such child, and if not, the support shall be divided equally between them.

SEC. 3286. The amount provided for support shall be proportioned to the resources of the person giving such support and to the necessities of the party receiving it, and shall be reduced or increased in proportion to the resources of the former and the necessities of the latter.

SEC. 3287. The obligation to support may be claimed from the time the person having a right thereto shall require such support; but it shall not begin until the date on which a petition therefor is made.

Payments for support shall be made monthly, in advance, and when the person receiving the same dies, his heirs shall not be required to return any sum that may have been paid in advance.

SEC. 3288. The person obliged to render support may, if he so elects, either pay the amount required to be paid or receive and maintain in his own dwelling the person having a right to such support.

SEC. 3289. The obligation to give support ceases with the death of the person obliged to give it, even when given in fulfillment of a final judgment.

The right to receive support cannot be relinquished or transmitted to a third party. Neither shall such support be set off against any amount owing by the recipient to the person obliged to give it.

SEC. 3290. The obligation to give support shall also cease:

1. With the death of the recipient.
2. When the fortune of the person obliged to give it shall have been reduced so that he can not do so without disregarding his own needs and those of his family.
3. When the recipient is capable of working at a trade, profession or industry, or has obtained employment or bettered his fortune, so that he does not stand in need of the amount given for support.
4. When the recipient, whether or not a forced heir, shall have committed any of the offences which may be a cause for disinheritance.
5. When the recipient is a descendant of the person obliged to give support and the necessity therefor arises from wrong conduct or lack of application to work, during the time such cause exists.

SEC. 3292. The patria potestas over the legitimate children not emancipated belongs in the first place to the father, and in case of his absence, legal incapacity or death, to the mother.

#### Custody.

- Illegitimate children and adopted minors shall be under the potestas of the father or mother acknowledging or adopting them. Where they have been acknowledged or adopted by both parents, the provision of paragraph one of this section shall be applicable. (As amended by act of March 14, 1907, p. 284.)

SEC. 4001. Legitimate and acknowledged illegitimate children and their issue succeed to their fathers and other ancestors without distinction of sex or age, and even though they proceed from different

#### Inheritance.

marriages.

SEC. 4006. The illegitimate father and the illegitimate mother if there be any shall inherit in equal portions. In case there be only one he or she shall succeed to the child in the property of the inheritance.

SEC. 4007. In default of father and mother the lawful ancestors nearest in degree shall succeed or natural parents with respect to the illegitimate child recognized by the father or the mother in whose place the ancestor is put by the right of succession.

If there have been different ancestors of the same degree belonging to the same line, the inheritance shall be divided according to the number of ancestors (per capita). If they be of different lines, but of equal degree, one-half shall go to the paternal ancestors and the other half to the maternal ancestors. In each line the division shall be made according to the number of ancestors (per capita).

SEC. 4009. In default of legitimate descendant or ascendant the natural children legally recognized shall succeed the deceased in the whole of the inheritance.

If with the natural children there shall concur the descendants of another deceased natural or legitimized child, the former shall succeed by their own right and the latter by right of representation.

The rights of inheritance granted to natural children by the two preceding paragraphs, shall be transferable at their death to their descendants, who shall inherit their [sic] deceased grandparent.

Should there be any legitimate descendants or ascendants, the natural descendants shall receive only that portion of the inheritance allowed to them by the act amending and repealing sections 795, 796, etc., of the Civil Code, approved March 9, 1905.

A natural child has no right to succeed intestate legitimate children or relatives of the father and mother who has recognized him or her, nor they a natural or legitimized child.

Should a natural recognized child die without leaving a recognized or legitimized (by him or her) posterity, the deceased shall be succeeded in his or her entirety by the father or mother who recognized him or her; and if both parents performed the recognition and lived, both shall inherit in equal portions.

In default of natural ascendants, the natural child, shall be succeeded by his or her natural brothers or sisters in accordance with the rules established for legitimate brothers and sisters. (As amended by act of March 9, 1911, p. 236.)

Sec. 3886. When the testator leaves legitimate children or descendants, and natural children, legally acknowledged, each of the latter shall have a right to a portion equal to one-half of that pertaining to each of the legitimate children who have not received any additional portion: *Provided*, It can be included in the third, which may be freely disposed of, from which it must be taken, after the burial and funeral expenses have been deducted.

The legitimate children may pay the portion pertaining to the natural ones in cash, or in other property of the estate, according to just rules.

Sec. 3887. Should the testator not leave any legitimate children or descendants, but does leave legitimate ascendants, the acknowledged natural children shall have a right to one-half of the part of the estate which can be freely disposed of by the testator.

This is understood without prejudice to the legal portion of the surviving spouse, in accordance with article ten hereof; so that when the spouse survives with acknowledged natural children, what may be lacking to make up their legal portion shall be awarded to them as a naked property right during the life of the spouse.

Sec. 3888. When the testator leaves no legitimate descendant or ascendants, the acknowledged natural children shall be entitled to a third of the inheritance.

Sec. 3889. The rights granted natural children by the foregoing section are transmitted on their death to their legitimate descendants.

Sec. 3890. The rights of succession which the law grants natural children extends [sic] reciprocally in similar cases to the natural father or mother.

Sec. 3891. The gifts which the natural child may have received from its father or mother shall be charged to its legal portion.

Should they exceed the third which can be freely disposed of, they shall be reduced in the manner prescribed by the civil code.

NOTES ON BIRTH REGISTRATION.—Certificate states whether legitimate or illegitimate. (Sec. 231.)

In respect to newly born children of illegitimate origin, it shall not be necessary to state in the register who the father or the paternal grandparents are, unless the father himself makes the declaration of birth and paternity. The same procedure shall be observed as regards the statement of the mother's name and those of the maternal grandparents when the declaration of birth is made by the father alone. (Sec. 232.)

When a child is born during an uninterrupted marriage, or at a time when he must be legally reputed as born within such marriage, no declaration contrary to his legitimacy can be recorded in the register until so ordered by a competent court by final judgment. (Sec. 233.)

On the margin of registrations of births there shall be recorded the following acts relating to the persons to whom such registrations refer:

1. Legitimations.
2. Acknowledgment of illegitimate children.
3. Decrees regarding filiations. (Sec. 235.)

NOTE ON CUSTODY.—Indigent child may be committed to institution for care of orphans; if a bastard, by the mother. (Sec. 184.)

## RHODE ISLAND.

General Laws, 1906, ch. 95. Maintenance of bastard children.

SECTION 1. In case any unmarried woman is found to be with child or shall have been delivered of a child, the overseer of the poor of the town in which such unmarried woman shall reside or belong may and, upon the payment of such sum or the giving of such security as he shall deem sufficient to indemnify such town for the expenses of the lying-in of such woman and the support of such child and the expenses of the town in that behalf, shall accept such sum or security, whether before or after complaint and suit, and thereupon shall stay all further proceedings in the case.

SEC. 2. Upon the examination of any unmarried woman, taken before any justice or clerk of a district court in whose jurisdiction she may reside or belong, alleging on oath in writing that she is with child or has been delivered of a child and naming the father thereof, such justice or clerk, on complaint of the overseer of the poor of such town, may issue a warrant commanding the person she shall charge to be the father of said child to be brought before said district court to be dealt with according to law.

SEC. 3. Said warrant shall be directed to the sheriff or his deputy of any county, or to any town sergeant or constable in the State.

SEC. 4. If said accused shall plead "guilty" or "nolo contendere" before said district court, said district court shall adjudge him to be the putative father of said child and shall order him to pay to said overseer of the poor, by installments or otherwise, such sum as shall in the judgment of said court be necessary to defray the expenses of the lying-in of such woman and the support of said child, and of the other expenses of said town in connection with said complaint and the costs of said complaint. If said accused shall plead "not guilty" to said complaint before said district court a trial shall be had, and said accused shall be required by said court to recognize with sufficient surety or sureties, in such sum as said court shall direct, to appear before said court for trial, whenever the same shall be held and also to abide and perform the order of said court. If on such trial the accused person shall be adjudged by said court to be the putative father of said child, the like order shall be made as if he had pleaded "guilty" or "nolo contendere" before said court; and whenever payment shall be ordered by said district court to be made by installments, the court may also order security, or a bond with surety or sureties, to be given to said overseer of the poor for the payment of said installments. From all such judgments and orders of said district court, there shall be an appeal to the superior court for the county in which said district court is holden, such appeal to be claimed in said district court within five days after such judgment and order, and said respondent shall be required to recognize with surety or sureties, in such sum as said district court shall direct to appear in the superior court on the assignment day for said appeal, and whenever his appeal is called for trial, and there prosecute his appeal with effect, and abide and perform the order of said superior court thereon. The assignment day for such appeals shall be the same as for appeals in criminal cases in the superior court. Upon such appeal the clerk or justice of the court appealed from shall forthwith certify and transmit all the papers in the case to the clerk of the superior court, who shall receipt for the same. (As amended by Laws 1915, ch. 1215.)

SEC. 5. If the woman shall not have been delivered at the time of the return of said warrant, said district court may continue the complaint for hearing or trial before said district court from time to time or to such time as said woman shall have been delivered, and may require said respondent to recognize with surety or sureties for his appearance at such time. (As amended by Laws 1915, ch. 1215.)

SEC. 6. In case of the death of said child before or after complaint made as aforesaid, said district court on complaint made may order the payment of the expenses of the lying-in of the mother, the support of said child and the expenses of its sickness and burial, and all costs and expenses of said town in that behalf.

SEC. 7. The trial in the superior court shall be by jury unless waived by the parties, when the same shall be by the court.

SEC. 8. No appeal shall be had from the judgment and order of the superior court in such cases, but new trials may be granted on petition of either party under like restrictions as in civil cases.

SEC. 9. If on trial in the superior court the jury shall find the respondent guilty, or if, on waiver of a trial by jury, he shall be adjudged guilty by the court, or if said respondent shall plead guilty or nolo contendere, said superior court shall make a new order requiring said respondent to pay to said overseer of the poor, by installments or otherwise, such sum as shall in the judgment of said court be necessary to defray the expenses of the lying-in of such woman and the support of said child, and of the other expenses of said town in connection with said complaint and the costs of said complaint, and whenever payment shall be ordered by the superior court to be made by installments, the court may also order security, or a bond with surety or sureties, to be given to said overseer of the poor for the payment of said installments. (As amended by Laws 1915, ch. 1215.)

SEC. 10. The said overseer of the poor shall be entitled to an appeal to the superior court on entering into a recognizance to prosecute such appeal with effect, or in default thereof to pay all costs which may accrue on said complaint to said respondent or to any other person; and in case said accused shall be acquitted, he shall recover of said overseer of the poor all the costs to which he may have been put by reason of said complaint.

SEC. 11. Depositions, taken according to the law regulating the taking of depositions in civil cases, may be used in the trial of such cases before said district court and superior court.

SEC. 12. If the accused shall fail to appear in pursuance of any recognizance requiring him to appear before said district court, said court may proceed to make an order as if said accused had appeared and pleaded guilty to said complaint, or if said accused shall fail to appear before the superior court as required by recognizance, or on appeal from said district court to the superior court, the superior court shall proceed to make an order as if said accused had appeared and pleaded guilty to said complaint, and in all such cases said recognizance shall be held good as security for the performance of said order. (As amended by Laws 1915, ch. 1215.)

SEC. 13. The payment of such expenses and costs as shall be finally adjudged by said order and all costs thereon shall discharge the security or the bond given for the performance of said order and all recognizances for the appearance of said accused. (As amended by Laws 1915, ch. 1215.)

SEC. 14. Any respondent, who shall neglect or fail to comply with the order of any court requiring him to make payment, or to give security, or bond, or recognizance in accordance with the provisions of this chapter, shall be committed to the jail in the county, in which such court is, there to remain until he shall comply with such order, or be discharged pursuant to law. If any person committed to jail by virtue of this chapter is poor and unable to pay such sum or sums as may be ordered, or to comply with the order of the court, the court by whom said order was made, on application for that purpose, may at any time wholly discharge such person from such jail and imprisonment, or at any time may release him from such imprisonment in jail for such time or times and on such terms and conditions as it may deem expedient. Whenever such person so released shall fail or neglect to abide by or perform the terms and conditions of his release, such court may issue a capias to apprehend him, and may commit him again to such jail, there to remain, until he shall have complied with the original order made by said court, or be discharged or released in accordance with the provisions of this section, or be discharged pursuant to law. (As amended by Laws 1915, ch. 1215.)

SEC. 15. In case any unmarried woman, having no legal settlement in this State, is with child or has been delivered of a child, the agent of State charities and corrections shall have all the powers and shall perform the same duties as are conferred upon or required of the overseers of the poor in relation to bastard children:

SEC. 16. Complaint in such cases may be made by the agent of State charities and corrections in behalf of the State, to any justice or clerk of a district court in the county in which such unmarried woman shall be found, and like proceedings shall be had as herein required in cases of complaint made by an overseer of the poor under the provisions of this chapter.

SEC. 17. Whenever the overseer of the poor of any town shall be the justice or clerk or assistant justice of the district court having jurisdiction in such town, every complaint under the provisions of this chapter shall be brought before and heard by the district court in any adjoining district.

SEC. 18. No complaint under the provisions of this chapter shall abate by reason of the death of the complainant, but the successor in office of the complainant may appear and prosecute said complaint to final judgment in the same way as the original complainant could have prosecuted the same if he had survived.

#### Ch. 92.

SEC. 1. A legal settlement in any town shall be gained, so as to oblige such town to relieve and support the person gaining the same in case he becomes poor and stands in need of relief, by any of the ways and means following and not otherwise:

Third. Illegitimate children born in this State shall follow and have the settlement of their mother at the time of their birth; but neither legitimate nor illegitimate children shall gain a settlement by birth in the places where they may be born, if neither of their parents shall have a settlement there.

#### Ch. 243.

SEC. 2. No woman shall marry her father, grandfather, son, son's son, daughter's son, stepfather, grandmother's husband, daughter's husband, son's daughter's husband, daughter's daughter's husband, husband's father, husband's grandfather, husband's son, husband's son's son, husband's daughter's son, brother, brother's son, sister's son, father's brother, mother's brother.

SEC. 3. If any man or woman shall intermarry within the degrees aforesaid, every such marriage shall be null and void, and the issue thereof shall be deemed and adjudged illegitimate and be subject to all the disabilities of such issue.

## Ch. 316.

SEC. 7. Bastards shall be capable of inheriting or transmitting inheritance on the part of their mother, in like manner as if they had been lawfully begotten of such mother.

## Ch. 347.

SEC. 10. Every woman who shall conceal the birth of any issue of her body, which, if it were born alive, would be a bastard, so that it may not be known whether it was born dead or alive, or conceal the death of any infant bastard child born of her body, so that it may not be known whether such child was murdered or not, shall be imprisoned not exceeding ten months or be fined not exceeding three hundred dollars.

SEC. 11. Any woman who shall be indicted for the murder of her infant bastard child, may also be charged in the same indictment with either or both of the offenses mentioned in the preceding section, and if, upon trial, the jury shall acquit her on the charge of murder and find her guilty of the other offenses, or either of them, judgment and sentence may be awarded against her accordingly.

## SOUTH CAROLINA.

Code of 1912,

Criminal Code.

SECTION 691. *Reputed father of bastard to maintain it; to give bond.*—If any woman be delivered of a bastard child or children, and shall, at any time after the birth thereof, give information to some magistrate of the county in which she resides, or may be so delivered, and will declare, on oath, who is the father of her child or children, it shall be the duty of such magistrate to issue a warrant to apprehend and bring before him, or some other magistrate, the person so accused, who shall be obliged to enter into a recognizance, with two good and sufficient sureties, in the penal sum of three hundred dollars, conditioned for the annual payment of twenty-five dollars for the maintenance of the child until the age of twelve years, and so to save harmless the said county.

SEC. 692. *Women refusing to declare father of bastard to be committed to jail or give security.*—When any woman, who is charged with having had a bastard child or children, shall be brought before a magistrate and shall not voluntarily give such information, such magistrate may, on information thereof, and that such child is likely to become a burden to the county, issue his warrant against such mother, requiring her to be brought before him, or the next magistrate, and declare who is the father, and, on her refusal so to declare, the magistrate aforesaid shall commit her to jail until she shall declare the same, or shall give security that the said bastard child shall not become chargeable to the county wherein she resides.

SEC. 693. *Resistance of warrant ground for indictment.*—Should the person accused evade or resist the warrant so issued, it shall be the duty of the constable to return the same to the clerk of the court as other sessions papers, with a special note thereof, by way of return, on oath, whereupon a bill of indictment may be given out, and, if found, a bench warrant may issue, and, in case the accused shall be arrested on any warrant issued and shall refuse to enter into such recognizance, he shall be committed to prison, there to remain until he shall enter into such recognizance.

SEC. 694. *Issue for jury on denial by reputed father—Security, etc., on conviction.*—Should such person be unable to comply with the requisitions hereinbefore mentioned, or should he deny that he is the father of the said child or children, a jury shall be charged, in the court of sessions, to try the question whether the accused is or is not the father of such child or children; and on his acquittal he shall be discharged; or, if convicted, he shall be required to give the security or recognizance hereinbefore required; and in default thereof, shall be liable to execution, as are defendants convicted of misdemeanors: *Provided*, That on the annual payment of the sum of twenty-five dollars, the execution, except as to costs, shall be stayed until another installment falls due.

SEC. 695. *In case of twins, recognizance to be for support of both, etc.*—If the birth be of twins, the recognizance or judgment shall be conditioned for the support of both the bastards, and for the payment of double the amounts required in the case of a single child.

## Civil Code.

**SEC. 973. Apprenticeship of poor children—Illegitimate children.**—In case any poor child or children shall be, or become, chargeable to, the county, the county board of commissioners may bind out any such child or children as an apprentice to some person of good moral character until such child, if he be male, shall arrive at the age of sixteen years, and if it be a female, until she arrive at the age of fourteen years or shall marry. The said board shall have power to bind out to service, under some person of good moral character, any illegitimate child or children likely to become chargeable to the county, or liable to be demoralized by the immoral conduct or evil example of their mother or other persons having them in charge, in the manner and for the time prescribed for pauper children, and they shall have power to issue all necessary writs to enforce the provisions of this section.

**SEC. 974. Moneys paid by fathers of bastards.**—Any moneys becoming due on any recognizances given for the maintenance of any illegitimate child or children, if such child or children shall be bound out to service, shall be paid to and received by the supervisor, to be invested and expended by him under the order of the probate court for the benefit of such illegitimate child.

**SEC. 1530. How legal settlements may be acquired.**—Legal settlements may be acquired in any county, so as to oblige such county to relieve and support the persons acquiring the same, in case they are poor and stand in need of relief, in the manner following, namely:

3. *Of illegitimate children.*—Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she then has any within the State; but neither legitimate nor illegitimate children shall gain a settlement by birth in the county where they may be born, if neither of their parents then has a settlement therein.

**SEC. 3454. Certain conveyances to bastard children or their mother void.**—If any person who is an inhabitant of this State, or who has an estate herein, shall have already begotten, or shall hereafter beget, any bastard child, or shall live in adultery with a woman, the said person having a wife or lawful children of his own living, and shall give, or settle, or convey, either in trust or by direct conveyances, by deed of gift, legacy, devise, or by any other ways or means whatsoever, for the use and benefit of the said woman with whom he lives in adultery, or of his bastard child or children, any larger or greater proportion of the real clear value of his estate, real or personal, after payment of his debts, than one-fourth part thereof, such deed of gift, conveyance, legacy, or devise, made or hereafter to be made, shall be null and void, only in favor of wife and legitimate children, for so much of the amount or value thereof as shall or may exceed such fourth part of his real and personal estate.

**SEC. 3562. Illegitimate child inherits from mother—Mother inherits from illegitimate child—Death by wrongful act.**—Any illegitimate child or children, whose mother shall die intestate, possessed of any real or personal property, shall be, so far as said property is concerned, an heir or heirs at law as to such property, notwithstanding any law or usage to the contrary.

Whenever any illegitimate child shall die in this State, leaving property, real or personal, the mother of such child shall have the same right to inherit from such child as she would have if said child had been legitimate.

In the event of death of such illegitimate child, or the mother of such illegitimate child, by the wrongful or negligent act of another, such illegitimate child, or the mother of such illegitimate child, shall have the same rights and remedies in regard to such wrongful or negligent act as though such illegitimate child had been born in lawful wedlock.

**SEC. 3575. Certain legacies declared void.**—If any person who is an inhabitant of this State, or who has any estate therein, shall beget any bastard child, or shall live in adultery with a woman, the said person having a wife or lawful children of his own living, and shall give, by legacy or devise, for the use and benefit of the said woman with whom he lives in adultery, or of his bastard child or children, any larger or greater proportion of the real clear value of his estate, real or personal, after paying of his debts, than one-fourth part thereof, such legacy or devise shall be null and void for so much of the amount or value thereof as shall or may exceed such fourth part of his real and personal estate.

**SEC. 3798. Adoption of children—Change of name; how affected [sic].**—Any person or persons who may desire to adopt any child or children in this State, and confer upon such child or children so adopted the right to inherit as the lawful child of the said person or persons, whether it be desired to change the name of such child or children or not, shall be authorized to file his or their petition in the court of common pleas for the county in which he, she or they may reside; and

thereupon, the court, upon an examination into the merits of the said petition, either in open court or upon reference, shall be authorized to grant the prayer thereof, upon such terms as may to the court seem proper; and, thereupon, the name of the said child or children shall be changed, if so provided in the decree of said court, and such child or children shall be entitled to inherit from the said petitioner or petitioners as his, her or their lawful child or children: *Provided*, That before any hearing shall be had on said petition, the child or children so sought to be adopted, and whose name or names are sought to be changed, shall be served with a copy of said petition, and guardian ad litem for such child or children shall be appointed as in other civil actions: *Provided, further*, That whenever the child or children, whose adoption may be desired by any person or persons in accordance with the foregoing provisions of this section, is or are an inmate or inmates of any orphan house within this State, then the petition for the adoption of such child or children hereinbefore required may be filed, and all other proceedings in reference thereto had in the court of common pleas for the county in which such orphan house is situated, with like force and effect in every respect, as if such petition had been filed and such proceedings had in the court of common pleas for the county in which the petitioner or petitioners may reside: *Provided*, That no person in this State shall adopt an illegitimate child unless the father and mother of such child, if both were unmarried at the time of its birth, could have lawfully contracted matrimony under the constitution and laws of this State, nor when the person seeking to adopt an illegitimate child has, at the time of filing the petition, either a lawful wife or child, unless the wife is the mother of such illegitimate child, and unless the wife file her written consent to said adoption in the office of the clerk of court of the county wherein said petition is filed: *Provided, further*, That no person who adopts any illegitimate child shall give to such child, by deed, will or otherwise, any greater portion of his estate than is now allowed by law, unless such person has no lawful wife or issue living at the time of his death; nor shall such illegitimate child inherit, in case of intestacy, from the adopted parent any greater portion of his estate than may be given to such child by deed or will when such intestate leaves a widow or lawful issue surviving him: *Provided, further*, That where the custody of any child is given to any person or persons by any orphan or foundling home, and said person or persons desire to adopt said child, they may file their petition in accordance with the provisions of this chapter in the county where said petitioner or petitioners reside, and it shall not be necessary to prove who is the father or mother of said child.

**NOTE ON MARRIAGES OF FORMER SLAVES.**—Marital cohabitation (of colored persons) previous to emancipation recognized and issue declared legitimate. (Secs. 3755, 3756.)

## SOUTH DAKOTA.

Revised Codes, 1903.

### Civil Code.

**SECTION 63.** Where the marriage is annulled on the ground that a former husband or wife was living, or on the ground of insanity, children begotten before the judgment are legitimate, and succeed to the estate of both parents.

**Void marriages.**

**SEC. 81.** When a divorce is granted for the adultery of the husband, the legitimacy of children of the marriage, begotten of the wife before the commencement of the action, is not affected.

**Divorce.**

**SEC. 82.** When a divorce is granted for the adultery of the wife, the legitimacy of children begotten of her before the commission of the adultery is not affected; but the legitimacy of other children of the wife may be determined by the court, upon the evidence in the case. In every such case all children begotten before the commencement of the action are to be presumed legitimate until the contrary is shown.

**Presumption of legitimacy.** **SEC. 107.** All children born in wedlock are presumed to be legitimate.

**SEC. 108. \* \* \*** A child born before wedlock becomes legitimate by the subsequent marriage of its parents.

**SEC. 109.** The presumption of legitimacy can be disputed only by the husband or wife, or the descendant of one or both of them. Illegitimacy in such case may be proved like any other fact.

**Presumption of legitimacy.**

**SEC. 112.** The mother of an illegitimate unmarried minor is entitled to its custody, services and earnings.

**SEC. 138.** The father of an illegitimate child, by publicly acknowledging it as his own, receiving it as such, with the consent of his wife if he is married, into his family, and otherwise treating it as if it were a legitimate child, thereby adopts it as such, and such child is thereupon deemed for all purposes legitimate from the time of its birth. \* \* \*

**Legitimation**

**Sec. 144.** A guardian of the person or estate, or of both, of a child born, or likely to be born, may be appointed by will or by deed, to take effect upon the death of the parent appointing.

**Guardianship.** 2. If the child be illegitimate, by the mother.

**Sec. 1096.** Every illegitimate child is an heir of the person who, in writing, signed in the presence of a competent witness, acknowledges himself to be the father of such child; and in all cases is an heir of his mother; and inherits his or her estate, in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock;

**Inheritance; legitimation; void marriages and divorces.**

but he does not represent his father or mother by inheriting any part of the estate of his or her kindred, either lineal or collateral, unless before his death his parents shall have intermarried, and his father after such marriage acknowledges him as his child, or adopts him into his family; in which case such child and all the legitimate children are considered brothers and sisters, and on the death of either of them, intestate, and without issue, the others inherit his estate, and are heirs, as hereinbefore provided, in like manner as if all the children had been legitimate; saving to the father and mother, respectively, their rights in the estates of all the children in like manner as if all had been legitimate. The issue of all marriages null in law, or dissolved by divorce, are legitimate.

**Sec. 1097.** If an illegitimate child, who has not been acknowledged or adopted by his father, dies intestate, without lawful issue, his estate goes to his mother, or, in case of her decease, to her heirs at law.

**Inheritance.**

#### Code of Civil Procedure.

**Sec. 807.** When an unmarried woman who shall be pregnant or delivered of a child, which by law would be deemed a bastard, shall make complaint to a justice of the peace of the county where she may be so pregnant or delivered, or the person accused may be found, and shall accuse, under oath or affirmation, a person with being the father of such child, it shall be the duty of such justice to issue a warrant against the person so accused and cause him to be brought forthwith before him, or in his absence any other justice of the peace in such county.

**Sec. 808.** Upon his appearance it shall be the duty of such justice to examine the woman upon oath or affirmation, in the presence of the man alleged to be the father of the child, touching the charge against him. The defendant shall have the right to controvert such charge, and evidence may be heard as in cases of trial before the justice court, if the justice shall be of the opinion that sufficient cause appears it shall be his duty to bind the person accused, in an undertaking with sufficient surety, to appear at the next term of the circuit court for such county to answer such charge. Or neglect or refusal to give such undertaking, the justice shall cause such person to be committed to the jail of the county, there to be held to answer the complaint, which, with the warrant, shall be filed with the clerk of said court.

**Sec. 809.** The issue to be tried on such complaint shall be whether the person charged, as aforesaid, is the father of the child, which issue shall be tried by a jury. In any hearing or examination or trial under this article evidence of the previous unchastity of the female shall be admissible.

**Sec. 810.** If, at any term of such court when the case stands for trial, the woman be not delivered, or is unable to attend, the court shall postpone the trial, and order an undertaking to be given by the person charged as aforesaid, with sufficient sureties, for his appearance at the next term of court, and on neglect or refusal to furnish such undertaking, such person shall be committed to the county jail to answer such complaint.

**Sec. 811.** In case the issue be found against the defendant, he shall be adjudged by the order of the court to pay a sum of money not exceeding two hundred and fifty dollars for the first year after the birth of such child, and not exceeding one hundred and fifty dollars yearly for ten years succeeding said first year, for the support, maintenance and education of such child, and shall be adjudged to pay the costs of prosecution; and he shall be required by said court to give an undertaking with sufficient sureties, to be approved by the judge of said court, for the payment of such sums of money, which undertaking shall be made payable to the State of South Dakota, and conditioned for the due and faithful payment of said yearly sum in quarterly installments to the clerk of the court.

**Sec. 812.** In case the defendant shall refuse or neglect to give such undertaking as may be ordered by the court, he shall be committed to the jail of the county, there to remain until he shall comply with such order or until otherwise discharged by due course of law.



SEC. 813. The money when received shall be laid out and appropriated for the support of the child in such manner as shall be directed by the court.

SEC. 814. Whenever default shall be made in the payment of a quarterly installment, or any part thereof mentioned in the undertaking, providing for the support of the child, the clerk of the circuit court of the county where such undertaking is filed, shall issue a notice to the principal and sureties thereon to appear before the circuit court of said county, on a day in term time, to show cause why judgment should not be rendered against them for the amount due and unpaid on such undertaking, which notice shall be served at least thirty days before the day fixed therein for the hearing. On the hearing of said notice the circuit court may render judgment against said principal and sureties, who have been served therewith, for the amount due and unpaid on such undertaking, and execution shall issue thereon for the collection of such judgment.

SEC. 815. Said circuit court shall also have power, in case of default in the payment of any installment of such an undertaking, to adjudge the principal in such undertaking guilty of contempt of said court by reason of the nonpayment, as aforesaid, and to order him to be committed to the county jail until the amount of such installment, together with all costs of said commitment, shall be paid, and the court may, from time to time require additional sureties on such undertaking.

SEC. 816. No commitment for a failure or refusal to give the undertaking for the support of a child herein required, or to pay the installments due thereon, shall continue longer than one year, if, at the expiration of that time, the person so committed shall satisfy the judge of the circuit court, upon proof to be reduced to writing and filed with the clerk of said court, that he is unable to give such undertaking or comply with the conditions thereof, as the case may be.

Political Code.

SEC. 2764. Legal settlements may be acquired in any county so as to oblige such

Residence.

county to relieve and support the persons acquiring such settlement, in case they are poor and stand in need of relief, as follows:

3. Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she then have any within this State; but neither legitimate nor illegitimate children shall gain a settlement by birth in the place where they were born, unless their parent or parents had a settlement therein at the time.

Penal Code.

SEC. 344. Every woman who endeavors either by herself or by the aid of others, to conceal the stillbirth of an issue of her body, which if born alive would be a bastard, or the death of any such issue under the age of two years, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars, or both.

SEC. 794. Every woman who, having been convicted of endeavoring to conceal the birth of any issue of her body, which, if born alive, would be a bastard, or the death of any such issue under the age of two years, subsequently to such conviction endeavors to conceal any such birth or death of issue of her body, is punishable by imprisonment in the State prison not exceeding five years and not less than two.

NOTE ON INCESTUOUS MARRIAGES.—The law applies to illegitimate relationship. (Civil Code, Sec. 38.)

NOTE ON ADOPTION.—The illegitimate mother is recognized in the consent requirement. (Civil Code, Sec. 131.)

TENNESSEE.

Thompson's Shannon's Code, 1918.

SECTION 2707. *Bastards; how supported.*—For the purpose of indemnifying the county against charges for the maintenance of bastards, the father, if he can be ascertained, is liable to proceedings as pointed out in Part IV, Title 5, Chapter 6 (secs. 7332–7353).

SEC. 2708. *Illegitimate child may be bound out; when.*—The county court may bind out illegitimate children in the same way as orphans, upon its satisfactorily appearing that the mother of such illegitimate children disregards their moral and mental culture, and either keeps or lives in a house of ill fame, and upon its further appearing that the condition of such children would be thereby bettered, although the mother may provide ordinary food and raiment for her children.

**SEC. 4166. Estate of illegitimate; how inherited.**—When an illegitimate child dies intestate without child or children, husband or wife, his real and personal estate shall go to his mother; and if there be no mother living, then equally to his brothers and sisters by his mother, or descendants of such brothers and sisters.

**SEC. 4167. Who shall inherit illegitimate's estate.**—The estates, both real and personal, of illegitimate persons dying intestate in this State, leaving no relatives entitled by existing laws to his or her estate, shall go to such persons as would, had the intestate been legitimate, have been his or her heirs on his or her mother's side, in such way and proportions, and under the same rules, as provided by existing laws of descent of real and personal estate among legitimates who have no kin on the father's side.

**SEC. 4169. Illegitimate children inherit with legitimate.**—Where any woman shall die intestate, having a natural born child or children, whether she also leave a legitimate child or children, or otherwise, such natural born child or children shall take, by the general rules of descent and distribution, equally with the other child or children, the estate, real and personal, of his, her, and their mother; and, should either of such children die intestate, without child, his or her brothers and sisters shall, in like manner, take his or her estate.

**SEC. 4229. Legitimacy of children.**—The dissolution of the marriage shall not in void marriages and anyway affect the legitimacy of the children of the same.

**SEC. 4322. Bastard to be apprenticed.**—The court may, in like manner, apprentice every base-born child; if such child be a female, until she shall attain the age of twenty-one years.

**SEC. 5402. Jurisdiction.**—The circuit and county courts of this State have concurrent jurisdiction to change names, to legitimate, and authorize the adoption of children, on the application of a resident citizen of the county in which the application is made.

**SEC. 5406. Application to legitimate.**—The application to legitimate a child not born in lawful wedlock is made by petition, in writing, signed by the person wishing to legitimate such child, and setting forth the reasons therefor.

**SEC. 5407. Judgment.**—The court, if satisfied with the reasons, may, by order embodying the petition in full, and entered upon the minutes of the court, declare such child legitimate.

**SEC. 5408. Effect.**—The effect of the legitimation is to create the relation of parent and child between the petitioner and person legitimated, as if the latter had been born to the former in lawful wedlock.

**SEC. 5412. Name may be changed.**—In cases of legitimation and adoption, the name of the person sought to be legitimated or adopted may be changed by proper prayer for that purpose inserted in the petition.

**SEC. 6040. The [county] court has also original jurisdiction over bastardy and bastards, and general supervision of the latter.**

**SEC. 7332. Justice may cause woman to be brought before him.**—Any justice of the peace, upon his own knowledge, or information made to him, that any single woman within his county is delivered of a living child, may cause such woman, at any time after the expiration of thirty days from the delivery, to be brought before him to be examined on oath touching the father.

**SEC. 7333. Proceedings on her refusal to declare the father.**—If, upon such examination, she refuses to declare the father, she shall be required to give sufficient security to keep such child from being chargeable on the county, or be committed to jail until she declare the father or give the security required, or is otherwise discharged by law.

**SEC. 7334. Warrant for putative father.**—But if she, upon oath, accuse any man of being the father of such illegitimate child, either at the examination referred to in the preceding section or upon voluntary complaint before or after the birth of the child, the justice shall issue a warrant against such person, and cause him to come before him.

**SEC. 7335. Who shall be bound over or committed.**—It is the duty of the justice, upon such person being brought before him, to bind him, in the sum of two hundred and fifty dollars, with good sureties, to appear at the next term of the county court of said county to answer said complaint, or to commit such person to jail until the required bail is given or he is otherwise discharged by law.

**SEC. 7336. Proceedings returned to county court.**—The magistrate will return the complaint or accusation, with the bond, if given, to the county court on or before the next term thereafter, for further proceedings.

**SEC. 7337. Capias.**—If the person charged is not found, or has removed from the county, the clerk of the county court, upon the complaint or accusation being returned

to the court, shall issue a *capias* to any county in the State where such person may probably be found, to be executed like similar process in criminal cases.

Sec. 7338. *Bail*.—Upon the execution of such process, the defendant may give bail to the officer for his appearance before the county court to answer the charge, in the same way as if he had been brought before a magistrate as hereinbefore provided.

Sec. 7339. *Judgment on bail bond*.—The county court is authorized to take judgment upon such bonds, and enforce their collection.

Sec. 7340. *Continuance*.—If the person is bound over, and appears before the child is born, the court may continue the complaint upon recognizance of the defendant until the woman is delivered.

Sec. 7341. *Failure to appear*.—If the person is bound over or recognized to appear at the county court, and fails to appear, the court shall have the defendant called out upon his undertaking or recognizance, and cause a *scire facias* to issue, requiring him to appear at the next or any ensuing term of the court, and show cause why judgment should not be rendered against him or his sureties; and, if the defendant fail to appear or to show cause, the court shall render final judgment against him and his sureties for the full amount of the penalties, and issue execution forthwith.

Sec. 7342. *Issue*.—Upon the hearing before the county court, the person so complained against or accused as aforesaid, shall be adjudged the reputed father of the child, unless he file his affidavit clearly setting forth that justice requires an issue to be made to try the truth of such charge, in which case it is the duty of the court to hear proof and determine the matter as right and justice may appertain.

Sec. 7343. *Affidavit; when evidence*.—If the affidavit required by the last section deny sexual intercourse with the mother of the child from the first of the tenth month to the first of the sixth month next before the birth of such child, it shall be received as evidence on the trial.

Sec. 7344. *Proceedings in name of State*.—The proceedings in bastardy are conducted in the name of the State as plaintiff and the accused as defendant, and are intended for the indemnity of counties against the charge of supporting bastards.

Sec. 7345. *When defendant found guilty*.—If the accused be found guilty, either upon default, hearing, or confession, he shall be charged with the maintenance of the child in such sum or sums, within the limits of the next section, and in such manner as the court may direct, and with the costs of suit, and shall be required to enter into bond, with good security, conditioned to save the county and all other counties in the State from all charges toward the maintenance of the child.

Sec. 7346. *Allowance*.—The allowance for the support of an illegitimate child shall not, for the first year after the birth of such child, exceed forty dollars; for the second year, thirty dollars; and for the third year, twenty dollars, after the expiration of which time the court shall dispose of such child in the manner most conducive to its interest, either by giving it to the reputed father or binding it out to some suitable person, in their discretion.

Sec. 7347. *When court shall provide*.—But the county court shall make no provision for a bastard, except when he is or is likely to become a county charge.

Sec. 7348. *Provision for support to be expended by commissioners for the poor*.—The provision made for the support of a bastard child shall not be the property of the mother, but shall go into the hands of the commissioners for the poor, to be expended for the use of the child, it being the object of the provision for a bastard's support, to indemnify the county against the same.

Sec. 7349. *Enforcement of judgment*.—The court is vested with full power to enforce its judgment by the collection of money forthwith by execution, or by the collection of installments as they respectively fall due, or otherwise according to the exigencies of the particular case.

Sec. 7350. *Appeal*.—Either party is entitled to an appeal to the circuit court, where the case may be tried by jury upon the issue of guilty or not guilty, as in other cases of issues of fact.

Sec. 7351. *Remanding cause*.—If the judgment below against the accused is sustained, the cause will be remanded to the county court for further proceedings.

Sec. 7352. *Costs if issued found for defendant*.—If the issue in either court is found in favor of the defendant, judgment for costs may be given against the person at whose instance the proceedings were instituted, or against the county.

Sec. 7353. *Effect of legitimation of child*.—The judgment of the court against the defendant is not satisfied, nor the defendant and his sureties exonerated from liability by the defendant subsequently legitimating the child according to law.

NOTE ON MARRIAGES OF FORMER SLAVES.—Marital cohabitation of former slaves is recognized and issue legitimized. (Secs. 4179, 4198.)

NOTE ON BIRTH REGISTRATION.—The certificate of birth states whether the child is legitimate or illegitimate. (Secs. 3118a-51.)

## TEXAS.

Revised Civil Statutes, 1911.

**ARTICLE 2472. *Illegitimate children and issue of void marriages.***—Where a man, having by a woman a child or children, shall afterward intermarry with such woman, such child or children, if recognized by him, shall thereby be legitimated and made capable of inheriting his estate.

**Legitimation; void marriages.** The issue also of marriages deemed null in law shall nevertheless be legitimate.

**ART. 2473. *Bastards inherit from mother.***—Bastards shall be capable of inheriting from and through their mother, and of transmitting estates, and shall also be entitled to distributive shares of the personal estates of any of their kindred, on the part of their mother, in like manner as if they had been lawfully begotten of such mother.

**ART. 4615. *Issue legitimated.***—In cases where persons have so intermarried agreeably to the custom of the times, and where husband or wife has since died, then and in that case the issue of such marriages are hereby legitimated.

**ART. 4636. *Legitimacy of children; parties may marry again.***—A divorce from the bonds of matrimony shall not in any wise affect the legitimacy of the children thereof; and either party may, after the dissolution of the marriage, marry again.

**NOTE.**—See arts. 4614-4616—acts validating certain marriages and legitimizing issue.

**NOTE ON BIRTH REGISTRATION.**—Certificate states whether legitimate or illegitimate. (Laws 1917, ch. 129, sec. 9.)

## UTAH.

Compiled Laws, 1917.

**SECTION 19. *Illegitimate child adopted by acknowledgment.***—The father of an illegitimate child, by publicly acknowledging it as his own, receiving it as such with the consent of his wife, if he is married, into his family, and otherwise treating it as if it were a legitimate child, thereby adopts it as such, and such child is thereupon deemed for all purposes legitimate from the time of its birth. The foregoing provisions of this title do not apply to such an adoption.

**SEC. 380. *Complaint to be made to justice of the peace—Warrant.***—When an unmarried female, pregnant or delivered of a child, which by law will be deemed a bastard, shall make complaint to a justice of the peace within the county where she may be so pregnant or delivered, or where the person accused may be found, and shall accuse, under oath or affirmation, a person with being the father of such child, it shall be the duty of such justice to issue a warrant against the person so accused and cause him to be brought forthwith before him, or, in his absence, before any other justice of the peace in such county.

**SEC. 381. *Examination of plaintiff—Rights of defendant.***—Upon his appearance, it shall be the duty of the county attorney to examine the woman upon oath or affirmation before the justice and in the presence of the man who is alleged to be the father of the child, touching the charge against him. The defendant shall have the right to controvert such charge, and evidence may be heard as in other cases. If the justice shall be of the opinion that there is probable cause to believe that the defendant is the father of such bastard, it shall be his duty to bind the defendant so accused with such sufficient surety, to appear before the district court and answer such charge, as in other cases. If the defendant shall neglect or refuse to give bonds as security as aforesaid, said justice shall cause such defendant to be committed to the jail of the county.

**SEC. 382. *Information to be filed.***—In all cases of commitment under this act, an information shall be filed in the district court as in other cases.

**SEC. 383. *Continuance of case—Defendant must give security for appearance.***—If the defendant plead not guilty to such information and the case be set for trial on the issue of fact, and if at the day appointed for such trial the woman be not delivered or unable to attend, the court may continue the case, but shall require the defendant to give such security as the court may deem just to insure his presence to answer such information after the birth of the child; and if such mother be not able to attend on the day appointed, said security shall remain in full force until she is able to attend.

**SEC. 384. *The mother and defendant competent witnesses.***—On the trial of every issue of fact as to the bastardy, the mother and defendant shall be admitted as competent witnesses, and the credibility shall be left to the jury.

SEC. 385. *In case of acquittal, woman to pay costs.*—If upon the trial of the issue aforesaid, the jury shall find that the child is not the child of the defendant or alleged father, then the judgment of the court shall be that the defendant be discharged. In such case the woman making the complaint shall pay the costs of the prosecution, and judgment may be entered therefor and execution issued thereon, as in other cases.

SEC. 386. *Penalty, if defendant be found guilty—Bond.*—In case the issue be found against the defendant or reputed father, or whenever he shall in open court have confessed the truth of the accusation against him, he shall be condemned by the order and judgment of the court to pay a sum of money not exceeding \$200 for the first year after the birth of such child, and a sum not exceeding \$150 yearly for seventeen years succeeding said first year for the support and maintenance and education of such child; and shall, moreover, be adjudged to pay all the costs of the prosecution, for which costs execution shall issue as in other cases, and the said reputed father shall be required by said court to give bond with sufficient security, to be approved by the judge thereof, for the payment of such sum of money as shall be awarded by said court as aforesaid, which said bond shall be made payable to the State of Utah, conditioned for the due and faithful payment of said yearly sum in equal quarterly installments to the clerk of said court; and the said bond shall be filed and preserved by the clerk of said court.

SEC. 387. *Defendant failing to give security must be committed to jail.*—In case the defendant shall refuse or neglect to give such security as will be ordered by the court, he shall be committed to the jail of the county, there to remain until he shall comply with such order, or until otherwise discharged in due course of law. Any person so committed may be discharged for insolvency or inability to give bond: *Provided* That such discharge shall not be made within one year after such commitment.

SEC. 388. *Disposition of money.*—The money, when received, shall be laid out and appropriated for the support of such child in such manner as shall be directed by the court, but when a guardian be appointed for such bastard, the money arising from such bond shall be paid over to such guardian.

SEC. 389. *Default in payment of installments—Procedure.*—Whenever default shall be made in the payment of a quarterly installment or any part thereof mentioned in the bond provided for in the foregoing section, the judge of the district court for the county wherein such bond is filed, shall, at the request of the mother, guardian or any other person interested in the support of such child, issue an order to show cause to the principal and sureties of said bond, requiring them to appear on the day named in said order, and show cause, if any they have, why execution should not issue against them to the amount of the installment or installments due and unpaid on said bond, and that such order to show cause may be served by the sheriff or any constable within the county in which such principal or surety resides or may be found, and such service shall be made at least five days before the return day named in such order. If the amount due on such installment or installments shall not be paid before the time mentioned in such order to show cause, the said court shall render judgment in favor of the State against the principal and the sureties who have been served with such order for the amount unpaid on the installment or installments due upon the said bond, together with the costs of such proceeding, and execution shall issue therefor against the judgment debtors as in other cases, for the amount of said judgment and costs.

SEC. 390. *Reputed father guilty of contempt; when.*—Any judge shall have power, in case of default in the payment, when due, of any installment or installments thereof, according to the condition of the said bond, to adjudge the reputed father of such child guilty of contempt by reason of nonpayment of any installment or installments aforesaid, and may order such defendant to be committed to the jail of the county until the amount of such installment or installments as may be due shall be fully paid, together with the costs of commitment. The commitment of such reputed father shall not operate to stay the execution upon such judgment as aforesaid.

SEC. 391. *Custody of child.*—The reputed father of a bastard shall not have the right to the custody or control of such child if the mother is living and wishes to retain such custody and control, until after it shall have arrived at the age of ten years, unless, upon petition to the district court for the county in which the mother resides, it shall, upon full hearing, after notice to the mother, be made to appear that said mother is not a suitable person to have control and custody of such child.

SEC. 392. *Bond becomes void; when.*—If such bastard child shall not be born alive, or, being born alive, should die, and the fact shall be suggested upon the records of said court, then such bond shall be void.

SEC. 393. *Intermarriage of mother and reputed father legitimatizes child.*—If the mother of any bastard child and the reputed father shall at any time after its birth

intermarry, said child shall in all respects be deemed to be legitimate, and the bond for the support of said child shall thereupon become void.

SEC. 394. *Prosecution must be brought within four years.*—No prosecution under this title [secs. 380-395] shall be brought after four years from the birth of such bastard child: *Provided*, That the time for which the person accused shall be absent from the State shall not be computed.

SEC. 395. *Release of reputed father.*—The mother of a bastard child, before or after its birth, may release the reputed father of such child from all legal liability on account of such bastard, upon such terms as may be consented to in writing and approved by the judge of the district court for the county in which the mother resides: *Provided*, That a release obtained from such mother in consideration of the payment to her of a sum of money less than \$500 shall not be a bar to a suit for bastardy against such father, and if, after such release is obtained, suit is instituted against such father and the issue be found against him, he shall be entitled as a set off for the amount so paid, and it shall be accredited to him as a first payment, or payments: *And provided, further*, That such father may compromise all his legal liability on account of such bastard with the mother thereof by paying to her a sum not less than \$500.

SEC. 1400x44. *Lawful settlement—Definitions.*—\* \* \* \* \*

1. \* \* \* Illegitimate children shall follow and have the settlement of their mother, at the time of their birth, if she have any within the State, but neither legitimate nor illegitimate children shall gain a lawful settlement by birth in the place where they were born, unless their parent or parents had the settlement therein at the time.

SEC. 2968. *Children of bigamous marriages contracted in good faith.*—When a marriage is contracted in good faith and with the belief of the parties that a former husband or wife, then living and not legally divorced, was dead or legally divorced, the issue of such marriage, born or begotten before notice of the mistake, shall be the legitimate issue of both parents.

SEC. 6413. *Illegitimate children to inherit; when.*—Every illegitimate child is an heir of the person who acknowledges himself to be the father of such child; and in all cases is an heir of his mother; and inherits his or her estate, in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock. The issue of all marriages null in law or dissolved by divorce are legitimate.

SEC. 6414. *Inheritance from illegitimate child.*—If an illegitimate child dies intestate, without lawful issue, his estate goes to his mother, or, in case of her decease, to her heirs-at-law.

SEC. 6428. *Inheritance by children of polygamous marriages.*—Sec. 6413 included when first enacted and effectually operated at all times thereafter and now operates to include the issue of bigamous and polygamous marriages, and entitles all such issue to inherit, as in said section provided, except such as are not included in the proviso of section 11 of the act of Congress called the "Edmunds-Tucker Act," entitled "An act to amend an act entitled, 'An act to amend section 5352' of the Revised Statutes of the United States, in reference to bigamy and for other purposes." (See *infra*, United States.)

SEC. 6430. *Polygamous issue born on or prior to January 4, 1896, legitimated.*—The issue of bigamous and polygamous marriages, heretofore contracted between members of the Church of Jesus Christ of Latter-day Saints, born on or prior to the 4th day of January, A. D. 1896, are hereby legitimated; and such issue are entitled to inherit from both parents, and to have and enjoy all rights and privileges to the same extent and in the same manner as though born in lawful wedlock. (See *infra*, United States.)

NOTE ON ADOPTION LAW.—The illegitimate mother is recognized in the consent requirement. (Sec. 13.)

NOTE ON INCESTUOUS MARRIAGES.—The law applies to illegitimate relationships. (Sec. 2968.)

NOTE ON BIRTH REGISTRATION.—Certificate states whether legitimate or illegitimate. (Sec. 5052.)

## VERMONT.

General Law, 1917.

SECTION 3418. *Illegitimate children and mother to inherit of each other.*—Illegitimate children shall inherit the estate of their mother as if born in lawful wedlock; and the estate of an illegitimate person dying intestate and leaving no issue, nor husband nor wife, shall descend to the mother, and, if the mother is dead, through the line of the mother as if the person so dying were born in lawful wedlock.

SEC. 3419. *Legitimized by parents' marriage.*—When the parents of an illegitimate child intermarry, the child, if recognized by the father as his child, shall be considered legitimate and be capable of inheriting.

**Legitimation.**

SEC. 3546. *Issue illegitimate.*—Upon the dissolution, by a decree of nullity, of a marriage prohibited on account of consanguinity or affinity between the parties, the issue of the marriage shall be illegitimate.

**Void marriages.**

SEC. 3553. *Children to inherit from same parent.*—Children of a marriage annulled on the ground of lunacy or idiocy, shall succeed like legitimate children to the real and personal estate of the parent who was of

**Inheritance.**

sound mind.

SEC. 3597. *Court may make orders as to children.*—When a marriage is annulled or a divorce granted, and at any time thereafter, upon petition of either of the parents, the court may make such other or further decree as it deems expedient concerning the care, custody and maintenance

**Void marriages and divorce.**

of the minor children of the parties, and may, on the petition of either of the parents, annul, vary or modify such order.

SEC. 3636. *Mother guardian of illegitimate child.*—The mother of an illegitimate minor

**Guardianship.**

SEC. 3732. *Minors, under fourteen, how bound.*—Children, under the age of fourteen years may be bound by their father, or if he is dead or incompetent,

**Apprenticeship.**

by their mother, or by their legal guardian; and, if illegitimate, they may be bound by their mother; and, if they have no parent competent to act and no guardian, they may bind themselves, with the approbation of the selectmen of the town where they reside.

SEC. 3733. *Same, over fourteen, how bound.*—Minors, over the age of fourteen years; may be bound in the same manner; but when they are bound by their parent or guardian, the consent of the minor shall be expressed in the indenture, which shall be signed by him.

SEC. 3757. *Minor, how adopted.*—If the person sought to be adopted is a minor, the same proceedings shall be had, except that the instrument shall

**Adoption; legitimation.**

be signed, sealed and acknowledged on the part of the minor by one of his parents, or, if under guardianship, by his guardian, or, if a married woman under age, by such woman and her husband; and if the minor has no parent, guardian or husband, or his parents, guardian or husband have abandoned his care and support, or are, in the opinion of the probate court, incompetent to have the care and custody of the minor, the instrument may, with the consent of the probate court, be signed, sealed and acknowledged on the part of the minor by the first selectman of the town or the mayor of the city in which such minor resides. If the mother of such minor is the wife of the person adopting, she may execute the instrument on the part of the minor, notwithstanding her coverture. If the minor is an illegitimate child whose mother is dead and the person adopting is the natural father of said child, such instrument need not be signed, sealed or acknowledged on the part of the minor, but the probate court after adoption may make such orders concerning the care, custody, control and guardianship of such minor as the interest of said minor may require.

SEC. 3608. *Warrant to issue on complaint of woman.*—When a single woman is delivered of a bastard child, or declares herself to be with child, which,

**Illegitimacy proceedings.**

if born alive, will be a bastard, and charges a person in writing, under oath, before a justice or a municipal or city judge of the county in which she resides, with having begotten such child, such magistrate shall, on application made by such woman, issue his warrant and cause such person to be apprehended and brought before him or another such magistrate of the same county, which warrant shall run into any county in the State and may be executed by any person to whom the same is lawfully directed.

SEC. 3609. *Same; security for costs.*—Before the warrant issues, such woman shall give security for costs to the person so charged, as in writs of attachment.

SEC. 3610. *Accused to give bail for appearance.*—The magistrate before whom the person is brought, shall require him to enter into a recognizance to such woman with sufficient sureties, in a sum not exceeding five hundred dollars nor less than two hundred and fifty dollars, conditioned that he will personally appear before the county court next to be held within and for the same county, and answer to such complaint and abide the order of the court thereon.

SEC. 3611. *Accused to be committed on refusal to give bail.*—If such person does not enter into the recognizance, such magistrate shall order him to be committed to jail in the same county, until he enters into the recognizance before one of the judges of the county court of the county, or is otherwise discharged by law.

SEC. 3612. *Magistrate to return papers to court.*—Such magistrate issuing the warrant shall, on request of such woman, return to the clerk of the county court, on or

before the first day of the term at which the person is recognized to appear, the original complaint and warrant, with a true record of the doings of the magistrate thereon.

SEC. 3613. *Issue—Trial by jury—Costs.*—Upon trial of the cause in the county court, the issue shall be whether the defendant is guilty or not guilty, and shall, at the request of either party, be tried by a jury; and if the verdict or judgment of the court is that the defendant is not guilty, he shall be discharged and have judgment and execution for his costs.

SEC. 3614. *Woman compelled to testify.*—On trial of such issue, the woman shall be a competent witness, and may be compelled to testify, unless rendered incompetent by conviction of a crime which by law disqualifies her from being a witness in any other cause; but her testimony in any of the proceedings under this chapter shall not be used against her in a criminal prosecution, except for perjury committed while so testifying.

SEC. 3615. *Same; limitation.*—A woman shall not be compelled to testify or answer questions as to her pregnancy until thirty days after her delivery.

SEC. 3616. *Person proved father; how chargeable.*—If the verdict or judgment of the court, on the trial, is that the defendant is guilty, he shall be adjudged to be the father of the child, and shall stand charged with its support, with the assistance of the mother, in such manner and proportion as the court judges proper, and for such time as the child is likely to be unable to support itself, and no longer, and shall also pay to the mother such proportion of the expenses already accrued in the premises as the court deems just, and costs, at such time as the court directs.

SEC. 3617. *Father to give bond to perform orders.*—Such father shall, during the term of the court in which the orders are made, enter into a recognizance before the court, with sufficient sureties, to the mother of the child, in such sum as the court directs, conditioned that he will abide and perform the orders of the court so made in the premises; and, on entering into such recognizance, the one entered into before the magistrate shall be void.

SEC. 3618. *Same—Commitment for neglect.*—If the father does not enter into such recognizance, he may be committed to jail until he enters into the recognizance and pays such sums of money as are then due and payable under the orders of the court, or until he is discharged by the mother, or by law. Such recognizance, taken after the commitment, shall be entered into before one of the judges of the county court, who shall return the same into court.

SEC. 3619. *Father refusing to make payments; execution to issue.*—If the father fails to pay the costs taxed, or any sums of money charged against him by order of the court, according to the terms thereof, the court before which the recognizance was entered into, or to which a recognizance taken by a single judge is returned, shall, from time to time, on motion of the mother or her executors or administrators, enter judgment on the recognizance, and award execution for the amount of money mentioned in such orders, as the same becomes due, against the father and his sureties; but twelve days' notice shall be given to the party against whom the motion is made, before the making thereof.

SEC. 3620. *Warrant may issue if execution not satisfied.*—If such execution is returned unsatisfied, because property of the father or his sureties can not be found, the clerk of the court from which the execution issued, may, upon request of the mother, issue a warrant to commit the father to jail; and, upon such warrant, he may be so committed in the county where the judgment was rendered, unless he pays the sum due upon the execution, with costs, together with the costs on such warrant, and such other sums as are then due and payable under the orders of the court in the premises, and also enters into a new recognizance, with sufficient sureties, before one of the judges of the county court, conditioned that he will abide and perform the orders of the court, before made.

SEC. 3621. *New recognizance, etc.*—If the father is committed to jail under the preceding section, he shall there remain until he pays the sums therein provided, with costs of commitment, and enters into such recognizance, or until he is discharged by the mother, or by law. The recognizance shall be returned by the judge to the county court, and the mother shall be entitled to the same remedies thereon that are provided in the second preceding section.

SEC. 3622. *Accused to be discharged if woman miscarries, marries or dies.*—If a woman, charging a person as aforesaid, dies or is married before she is delivered of the child, or miscarries thereof, or was not pregnant at the time of declaring herself to be with child by such person, he shall be discharged from his recognizance by the county court, or be released from custody by a justice of the peace or a municipal or city judge of the county, by warrant under his hand, upon application and proof made to such court or magistrate.

SEC. 3623. *May conduct and take benefit of prosecution.*—The overseer of the poor of a town charged, or likely to be charged, with the support of a bastard child, may,



if the interest of the town requires, commence a prosecution in the name of the child's mother or control and manage a prosecution commenced by her; he may conduct such cause to final judgment and have all the rights of the mother as provided in this chapter, and shall apply the moneys received, exclusive of costs, for the support of the child. He shall not compromise such prosecution without the consent of the mother.

SEC. 3624. *File certificate of intention.*—The overseer shall not commence or manage such prosecution until he files with the magistrate issuing the warrant, or with the clerk of the county court, a certificate under his hand of his intention so to do and that he will indemnify the mother of the child from future costs in the premises.

SEC. 3625. *Woman neglecting to charge father may be cited before justice or municipal court.*—If a single woman delivered of a bastard child does not charge a person with being its father within thirty days after the child is born, as provided in this chapter, the overseer of the poor of the town charged, or likely to be charged, with the support of the child, may make a written complaint against her to a justice or a municipal or city judge of the county, setting forth the facts, and thereupon such magistrate shall issue his warrant to bring her before him to be examined upon oath.

SEC. 3626. *To prosecute person charged by woman on complaint.*—When a single woman is brought before such a magistrate, he shall take her examination in writing under oath, and thereupon by his warrant cause the person charged by her with being the father of her bastard child to be brought before him. The same proceedings shall thereafter be had in the name of such overseer, as though such woman had commenced the prosecution in her own name.

SEC. 3627. *No discharge of father, or compromise, without overseer's consent.*—A compromise made with, or discharge given to, a person charged under the preceding section, or made or given after the overseer has commenced a prosecution or taken upon himself the control or management of a prosecution commenced by the woman, shall not be valid as against the overseer, unless made with his consent.

SEC. 3628. *Overseer may enter and prosecute when mother dies pending suit.*—If the mother of a bastard child dies during the pendency of a prosecution under this chapter, the overseer of the poor of the town charged, or likely to be charged, with the support of the child, may prosecute or enter and prosecute the same, and cause the death of the mother to be suggested upon the record, and thereafter the prosecution shall proceed to final judgment in the name and for the benefit of the town.

SEC. 3629. *Orders and bail to be in favor of and for benefit of town.*—If the defendant is found guilty, the orders and recognizances for the payment of money for the support of the child, or costs of prosecution, or for securing the same, shall be made in favor of the town, and a recognizance taken to the mother of the child shall inure to the benefit of the town.

SEC. 3630. *Sums recovered; how used.*—The sums recovered by the town shall be expended for the support of the child; and, if the child ceases to be a town charge, any balance unexpended shall be returned to the putative father.

SEC. 3631. *Defendant found not guilty; to have costs.*—If, upon trial, the defendant is found not guilty, he shall be discharged, and have judgment and execution against the town for his costs.

SEC. 3632. *Powers to cease on woman giving security.*—If such woman or other person gives sufficient security for the support of the child and pays the costs and expenses for its support, the powers granted to the overseer by this chapter shall cease, and proceedings commenced by him shall be discontinued.

SEC. 2417. *Petition—Service and hearing.*—A person committed to jail under the orders of a court or by a warrant issued by the clerk thereof in illegitimacy proceedings, bastardy proceedings may apply to the county court of the county in which he is confined, by petition, praying for the privilege of taking the oath hereinafter set forth; and, after six months' imprisonment, he may apply to any justice of the supreme court in the same manner. Such petition, with an order to show cause, shall be served upon the complainant in such bastardy prosecution, and upon the overseer of the poor, if he has appeared to prosecute, at least twelve days before the term of the court, or the hearing before the justice; and the court or justice may hear the parties, and shall consider the aggravation of the prisoner's case and the extent of his confinement, and determine whether he is entitled to apply for the privilege of taking such oath, and if so, after what time.

SEC. 2418. *Application for discharge—Hearing—Oath.*—If the petition is granted, the prisoner may, after the time fixed by said court or justice, apply to the commissioners of jail delivery in the county for a discharge from imprisonment; and said commissioners, after giving notice to the opposite party before such examination, as provided in other cases in this chapter, shall, if they find on examination that such person has not property, except his wearing apparel, exceeding twenty dollars, administer to him the following oath:

"You solemnly swear that you have not estate, real or personal, exceeding twenty dollars, except your wearing apparel, and that you have not disposed of any of your

property for the purpose of defrauding the complainant in the proceedings on which you are committed. So help you God."

SEC. 2419. *Discharge; effect of.*—Upon taking such oath, the prisoner shall be discharged as other persons are discharged upon taking the poor debtor's oath, and shall thereafter be free from arrest or imprisonment upon an execution issued upon any judgment rendered in such bastardy proceedings or founded thereon; but the judgment shall remain in force, and the plaintiff may have execution against his property for nonpayment of orders of court or may sustain an action of contract thereon.

SEC. 2343. *Bailpiece—Bastardy proceedings.*—When a surety recognizes before a justice of the peace, or a judge of a municipal, city or county court, for the appearance before the county court of a person charged with being the father of a bastard child, the officer making the arrest upon the warrant, if the recognizance is entered into before a justice of the peace or a municipal or city judge, or the keeper of the jail in the county in which the principal is confined, if it is entered into before a judge of the county court, shall, if required, deliver to him a bailpiece.

SEC. 2344. *Warrant thereon.*—Upon presentation of a bailpiece to a justice of the peace, or a municipal or city judge, such magistrate shall issue to the surety a warrant directed to any sheriff or constable in the State, commanding him to assist such surety in apprehending the principal.

SEC. 2345. *Use of warrant.*—A surety may use such warrant when he has occasion to arrest the principal to surrender him in court in discharge of his bail on the original process or upon scire facias or to secure him until a term of the court in which he may be surrendered for that purpose.

SEC. 2346. *Commitment of principal.*—The officer apprehending the principal may commit him to jail in the county in which he was arrested on the original process or in the county in which the process is pending, agreeably to the direction in the warrant; and such commitment shall be considered as a commitment on the original process, if the same is pending.

SEC. 2347. *Delivering principal into court.*—A surety on mesne process may deliver the principal into court before or during the term at which final judgment is rendered on such process, in discharge of himself; and he may, at any time, commit the principal to jail so that he may be delivered into court.

SEC. 2348. *Principal committed for want of bail.*—When the principal is delivered into court, the court shall, unless the principal procures sufficient surety for his appearance, order him committed to jail, and such commitment shall be deemed a commitment on the original writ.

SEC. 2349. *Principal delivered in bastardy proceedings; when.*—A surety on the recognizance in a bastardy complaint may deliver the principal into court in discharge of his recognizance before the principal is adjudged to be the father of such bastard child and the court has made an order charging him with its support, but not after; and he may, before such adjudication and order, commit the principal to jail so that he may be delivered into court.

SEC. 2350. *Principal in bastardy proceedings may be committed.*—When the principal is delivered into court under the preceding section the court shall order him committed to jail, unless he enters into a recognizance before the court, with sufficient sureties, in the sum fixed by the order of the justice or judge, conditioned as provided by law in such cases, and such commitment shall be deemed a commitment on the original warrant.

SEC. 2351. *Surety may have warrant.*—A surety in a recognizance taken by a justice of a supreme court, a judge of a municipal, city or county court, a justice of the peace, a clerk of the supreme or county court, may make written application to the authority taking the recognizance for a warrant to apprehend the principal and commit him to jail. The authority taking the recognizance shall thereupon issue such warrant, directed to any sheriff or constable in the State, and, when the principal is committed to jail on such warrant, the bail shall be discharged.

SEC. 6804. *Mother; when guilty of felony if bastard found dead.*—A woman who is privately delivered of an illegitimate child, if such child is found dead under such circumstances as to create a strong presumption that it was born alive and came to its death by the premeditated and willful neglect, violence or procurement of the mother, shall be imprisoned in the State prison not more than three years or fined not more than two hundred dollars.

SEC. 6805. *Mother on trial for murder—Conviction for such felony.*—If, upon trial of a woman for the murder of an illegitimate child so found dead, the evidence is not, in the opinion of the jury, sufficient to prove murder, it may, upon sufficient evidence, find her guilty of the felony specified in the preceding section (sec. 6804); and, in that event, she shall be punished as there provided.

NOTE ON WORKMEN'S COMPENSATION LAW.—"Child" includes acknowledged illegitimate children. (Sec. 5759.)

## VIRGINIA.

Code of 1904.

**SECTION 2552. *When bastards take—When children of former slaves take.***—Bastards shall be capable of inheriting and transmitting inheritance on the part of their mother as if lawfully begotten. And the children of parents, one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father as his children, and whose mother was recognized by such father as his wife, and was cohabited with as such, and their descendants, shall be as capable of inheriting any estate whereof such father may have died seized or possessed, or to which he was entitled, as though such children had been born in lawful wedlock.

**SEC. 2553. *When marriage legitimates children.***—If a man, having had a child or children by a woman, shall afterwards intermarry with her, such child or children, or their descendants, if recognized by him before or after the marriage, shall be deemed legitimate.

**SEC. 2554. *Issue legitimate, though marriage null.***—The issue of marriages deemed void marriages and null in law or dissolved by a court shall nevertheless be legitimate.

**NOTE ON BIRTH REGISTRATION.**—Certificate states whether legitimate or illegitimate; also full name of father "except for illegitimate children." (Laws 1912, ch. 181, sec. 14.)

**NOTE.**—The desertion act (act of 1904) refers to children, but not to illegitimate children.

**NOTE.**—The Code of Virginia of 1874 had a chapter (121) "Of the maintenance of illegitimate children," providing for the usual type of bastardy proceedings. The Code of 1887 omits this chapter and repeals (sec. 4202) all acts of a general nature in force at the time of the adoption of the code from and after May 1, 1838. The present code contains no bastardy support law.

## WASHINGTON.

Remington's Codes and Statutes, 1915.

**SECTION 1345. *Illegitimate child; rights of.***—Every illegitimate child shall be considered as an heir to the person who shall in writing, signed in the presence of a competent witness, have acknowledged himself to be the father of such child, and shall in all cases be considered as heir of his mother, and shall inherit his or her estate, in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock; but he shall not be allowed to claim, as representing his father or mother, any part of the estate of his or her kindred, either lineal or collateral, unless before his death his parents shall have intermarried, and his father, after such marriage, shall have acknowledged him as aforesaid, and adopted him into his family, in which case such child and the legitimate children shall be considered as brothers and sisters, and on the death of either of them intestate, and without issue, the others shall inherit his estate, and the heirs, as heretofore provided in like manner as if all the children had been legitimate, saving to the father and mother, respectively, their rights in the estates of all the said children, as provided heretofore, in like manner as if all had been legitimate.

**SEC. 1346. *Property of illegitimate child; descent of.***—If any illegitimate child shall die intestate without lawful issue, his estate shall descend to his mother, or in case of her decease, to her heirs at law.

**SEC. 7155. *Marriage by unauthorized person; effect of.***—\* \* \* Illegitimate children become legitimate by the subsequent marriage of their parents with each other.

**NOTE ON BIRTH REGISTRATION.**—Certificate states whether legitimate or illegitimate. (Sec. 5435.)

**NOTE ON WORKMEN'S COMPENSATION LAW.**—"Child" includes an illegitimate child legitimated prior to the injury. (Sec. 6604-3, as amended by Laws 1917, ch. 120, sec. 1.)

## WEST VIRGINIA.

Barnes' Code, 1916.

## Ch. 78. Descent and distribution.

**SECTION 5. Bastards inherit from mother.**—Bastards shall be capable of inheriting and transmitting inheritance on the part of their mother, as if lawfully begotten.

**SEC. 6. Legitimation of children by marriage.**—If a man, having had a child or children by a woman, shall afterwards intermarry with her, such child or children, or their descendants, if recognized by him before or after the marriage, shall be deemed legitimate.

**SEC. 7. Issues of marriages void or dissolved.**—The issues of marriages deemed null in law, or dissolved by a court, shall nevertheless be legitimate.

**Void marriages.**

## Ch. 80. Maintenance of illegitimate children.

**SEC. 1. Accusation—Examination—Warrant—Recognizance—Proceedings by married woman.**—Any unmarried woman may go before a justice of the county in which she has resided for the preceding year, and accuse any person of being the father of a bastard child of which she has been delivered. The said justice shall examine her under oath, and reduce her examination to writing and sign it. On such examination, unless the child be three years old or upward, the justice shall issue a warrant, directed to the sheriff of, or a constable in any county where the accused may be, requiring him to be apprehended and taken before a justice of the county in which he may be found; and it shall be the duty of such justice to require the accused to enter into a recognizance, with one or more good securities, in a sum not less than three hundred dollars nor more than five hundred dollars, conditioned for his appearance at the next term of the circuit court of the county in which such warrant issued, to answer said charge, and to abide by and perform the order of the court in relation thereto. If a married woman live separate and apart from her husband for the space of one year or more, and shall not at any time during such separation, cohabit with her said husband she may, if she be delivered of a child at any time after the said one year, and while such separation continues, accuse any person, other than her husband, of being the father of such child, in like manner, and the same proceedings shall thereupon be had, as if she were an unmarried woman.

**SEC. 2. Same—Continuance.**—Should the court continue the case at the first or any subsequent term, the recognizance shall continue in force until the final judgment, unless the accused, if a new recognizance be required, shall give the same or be committed to jail.

**SEC. 3. Proceedings; in whose name conducted.**—After such accusation shall have been made, proceedings thereupon may be had in the name of the woman or, if the court so order, in the name of the county court.

**SEC. 4. Trial—Jury—Order for support—Bond—Commitment—Discharge—Costs.**—If the accused appear and plead not guilty, the issue shall be tried by a jury, if not waived by the parties, and if he be found guilty, the court shall order him to pay to the county court for the maintenance of the child, such sums as it may deem proper for each year, until such time as the court may appoint, unless it sooner die; and shall order the father to give a bond in such penalty and with such sureties as it may deem sufficient for the performance of said order; and shall order him to jail until such bond be given in the court or filed in the clerk's office with sufficient sureties, to be approved by the court or clerk, or the woman and the said county court consent to his discharge, or until he be discharged by an order of the circuit court or county court, the court being satisfied that the prisoner can not pay the judgment of the court or give the bond required, or he be otherwise legally discharged; and if found not guilty by the jury, he shall be discharged, and shall recover his costs against the party in whose name the proceedings are had.

**SEC. 5. Recovery on bond.**—As often as the condition of such bond is broken, a motion may be made before the circuit court of the county and judgment may be given in the name of the county court, against the said father and his sureties, and against his and their personal representatives, for the money due, with lawful interest thereon from the time or times when the same ought to have been paid.

**SEC. 6. Prosecuting attorney to appear for complainant—Fee.**—The prosecuting attorney for the county shall appear on behalf of the woman or of the county court in every case under this chapter, and if judgment be given against the father, there shall be included in the costs a fee of ten dollars to said attorney.

Laws of 1917, ch. 51. An act relating to desertion or nonsupport of wife and children, providing punishment therefor, directing payment for support of wife or children, and authorizing extradition of persons accused of its violation

SEC. 1. Any husband who shall, without just cause, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances; or any parent who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support and maintenance of his or her (legitimate or illegitimate) child or children, under the age of sixteen years, in destitute or necessitous circumstances, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year with hard labor, or both; and if a fine be imposed and not paid, the court may also direct the county court to cause such husband or parent to labor on the roads or other public improvements of the county, for which it shall allow the sum of not less than fifty cents or more than one dollar per day (but such allowance shall not be construed as a fine or part of the sentence of the court), and such allowance shall be paid by the county court to the wife, or to the guardian, curator, custodian or trustee of the said minor child or children, as the circuit court may order.

SEC. 2. Proceedings under this act may be instituted upon complaint made under oath or affirmation by the wife or child or children, or by any other person. Juvenile courts shall have original and concurrent jurisdiction with circuit, intermediate and criminal courts, in all cases arising under this act.

The complaint mentioned in this section shall be sufficient if it be in form or effect as follows:

State of West Virginia, County of ....., to wit: ..... upon oath complains that on the .... day of ....., 19.., and from said date to the date of this complaint, in the said county, ..... did without just cause (here state some one or more of the grounds mentioned in section one of this act) and the said ..... therefore prays that the said ..... may be apprehended and held to answer the said complaint, and dealt in relation thereto as the law may require.

On the .... day of ..... 19.. the said ..... made oath to the truth of the foregoing complaint before the undersigned.

Judge of the ..... Court of ..... County, West Virginia.

The clerk shall enter said complaint in the record book of the juvenile court of said county, and the court or judge thereof in vacation, shall make an order reciting the grounds of the complaint, for the arrest of the person against whom said complaint is made and shall issue a warrant directed to the sheriff of said county for the apprehension of such person, and said warrant shall be sufficient if in form or effect as follows:

State of West Virginia, County of ....., to wit:

To the sheriff of said county:

Whereas ..... of said county, has this day made complaint and given information on oath before the undersigned, that ..... of said county, on the .... day of ..... 19.., and from said date to the date of said complaint, in said county, did without just cause (here set out the grounds mentioned in said complaint). These are therefore, in the name of the State of West Virginia, to command you forthwith to apprehend and bring said ..... into court or before the judge thereof in vacation, to answer the said complaint, and to be further dealt with according to law.

Given under my hand this .... day of ....., 19....

Judge of the ..... Court of ..... County, West Virginia.

SEC. 3. At any time before the trial, upon petition of the complainant and upon notice to the defendant, the court or a judge thereof in vacation, may enter such temporary order as may seem just, providing for the support of the deserted wife or children, or both *pendente lite*, and may punish for violation of such order as for contempt.

SEC. 4. Before the trial, with the consent of the defendant; or at the trial, on entry of a plea of guilty; or after conviction, instead of imposing the penalty hereinbefore provided, or in addition thereto, the court in its discretion, having regard to the circumstances, and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by the court from time to time, as circumstances may require, directing the defendant to pay a certain sum periodically to the wife, or to the guardian, curator or custodian of the said minor child or children, or to an organization or individual, approved by the court as trustee, and to release the defendant from custody on probation, upon his or her entering into a recognizance, with or without surety, in such sum as the court or a judge thereof in vacation may order and approve. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so, and shall further comply with the terms of such order of support, or of any subsequent modification thereof, then such recognizance shall be void, otherwise in full force and effect.

SEC. 5. If the court be satisfied by information and due proof under oath that the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, as the case may be. In case of forfeiture of a recognizance, and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the wife, or to the guardian, curator, custodian or trustee of the said minor child or children, as the court may order.

SEC. 6. No other or greater evidence shall be required to prove the marriage of such husband and wife, or that the defendant is the father or mother of such child or children, than is or shall be required to prove such facts in a civil action. In no prosecution under this act shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife shall be competent and compellable witnesses to testify against each other to any and all relevant matters, including the fact of such marriage, and the parentage of such child or children. Proof of the desertion of such wife, child or children in destitute or necessitous circumstances, or neglect or refusal to provide for the support and maintenance of such wife, child or children shall be *prima facie* evidence that such desertion, neglect or refusal is willful.

SEC. 7. An offense under this act shall be held to have been committed in any county in which such husband, parent, wife, child or children may be at the time such complaint is made. It shall be the duty of the county court, in any case in which application is properly made by the officers responsible for the execution of the law, to provide the funds necessary for extraditing any person, charged with an offense under this act, who has gone to another State.

SEC. 8. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

SEC. 9. All acts and parts of acts inconsistent herewith are hereby repealed.

## WISCONSIN.

Statutes 1917.

SECTION 1500. *Legal settlements*.—Legal settlements may be acquired in any town, so as to oblige such town to relieve and support the persons acquiring the same in case they are poor and stand in need of relief, as follows:

(3) Illegitimate children shall follow and have the settlement of their mother at the time of their birth if she then have any within the State; but neither legitimate nor illegitimate children shall gain a settlement by birth in the place where they were born unless their parent or parents had a settlement therein at the time.

SEC. 1530. *Proceedings on complaint*.—On complaint being made to any justice of the peace by any female who shall be delivered of a bastard child or who shall be pregnant with a child which, if born alive, may be a bastard, accusing any person of being the father of such child the justice shall take such complaint in writing, under the oath of such female, and shall thereupon issue his warrant against the person accused, directed to the sheriff or any constable of his county, commanding him forthwith to bring such accused person before the justice to answer such complaint.

SEC. 1531. *Proceedings on return of warrant*.—On the return of such warrant, if the accused be in custody or shall appear, the justice shall examine the complainant under oath respecting the cause of complaint, and the accused may cross-examine her and put any question necessary for his defense. Witnesses may be examined on behalf of either party. All testimony taken and proceedings had shall be reduced to writing; the proceedings for cause shown may be adjourned from time to time, not exceeding ten days at any one time; and on such adjournment the accused may be recognized for his appearance for such examination in a sum not less than one hundred dollars nor more than one thousand dollars, and with sureties to the satisfaction of the justice, and in default thereof he shall be committed, pending such examination, to the county jail. The accused shall be entitled to a removal of such action as in criminal examination before justices of the peace.

SEC. 1532. *Discharge of accused*.—If the accused person shall pay or secure to be paid to the female complaining such sum of money or other property as she may agree to receive in full satisfaction and as shall be approved by the supervisors of the town, of which agreement and approval the justice shall make a memorandum on his docket, and shall also give bonds with sufficient sureties, to be approved by the justice, to the town in which she shall reside, or if she shall reside in a county which has abolished the

distinction between county poor and town poor, to such county, conditioned to secure and indemnify such town (or county, as the case may be) from all charges for the maintenance of such child, and shall also pay all expenses, if any, incurred by such town or county for the lying-in and the support and attendance upon the mother during her sickness and the costs of prosecution and further conditioned to support and maintain such child until it is sixteen years of age the justice shall discharge such accused person.

SEC. 1533. *Recognizance and commitment.*—In case any person accused as aforesaid shall not comply with the provisions of the preceding section and there is probable cause to believe the accused person guilty the justice shall bind such person in a recognizance with one or more sureties, to be approved by the justice, in a sum of not less than two hundred dollars nor more than two thousand dollars, to appear at the next term of the circuit court for the proper county, and from time to time thereafter until final judgment, to answer the said complaint and to abide the order of said court thereon; and on his neglect or refusal to find such security the justice shall cause him to be committed to the county jail, there to be held to answer to such complaint; and such justice shall thereupon certify and return the examination and all testimony so taken before him with all process and papers in the case to the clerk of said court. In case any examination has been had as provided by law, and the person complained of has been discharged for want of sufficient evidence to raise a probability of his guilt, and the district attorney shall afterwards discover admissible evidence sufficient, in his judgment, to convict the person discharged, he may, notwithstanding such discharge, cause another complaint to be made before any officer authorized by law to make such examination, and thereupon another arrest and examination shall be had.

SEC. 1533a. *Change of venue.*—All cases begun under the provisions of this chapter shall be tried in the county where the action is properly commenced unless it shall appear to the satisfaction of the court by affidavit that a fair and impartial trial can not be had in such county, in which case the court may direct that the accused be tried in some adjoining county where a fair and impartial trial can be had, the accused shall be entitled to a change of venue but once and no more.

SEC. 1533b. *Jurisdiction of bastardy actions.*—Any judge of a court of record, in vacation as well as in open court, and all court commissioners, except in counties containing cities having a population of one hundred fifty thousand or more, shall have concurrent jurisdiction with justices of the peace in all complaints and proceedings arising under chapter 64 of the statutes.

SEC. 1533m. *Bastardy—Prosecution and costs—No fees for counsel or witnesses.*—1. It shall be the duty of the district attorney to appear and prosecute in all bastardy proceedings in the trial court and, whenever notified and requested by the justice or magistrate, at the preliminary examination, and the rule for the taxation and payment of costs therein shall be the same as in criminal proceedings and actions: *Provided*, That the provisions of section[s] 4062 and 4713 of the statutes shall not apply.

2. In counties having a population of two hundred thousand or more according to the last State or national census, the district attorney or an assistant district attorney, shall appear and prosecute all bastardy cases at the preliminary examinations in justice courts and at the trial court. No agreement or settlement of any bastardy proceedings in any such county shall be valid unless approved by the district attorney or an assistant district attorney.

SEC. 1534. *Continuance—Bail.*—If at the next term of the court to which the accused is recognized or to which the venue has been changed the complainant shall not have been delivered or shall not be able to attend, or if at any time there shall be any other sufficient reason therefor the court may order a continuance of the cause from term to term as shall be judged necessary. If the sureties in the recognizance shall at any term of court object to being any longer held liable or if the court shall for any cause deem it proper such court may order a new recognizance to be taken and the defendant shall be committed until he gives such new recognizance.

NOTE.—The court may appoint counsel to assist the district attorney in bastardy cases. (Sec. 750.2.)

SEC. 1535. *Trial—Evidence—Judgment.*—Upon the trial of the cause the issue shall be whether the accused is guilty or not guilty; and if the mother of the bastard be dead her examination taken before the justice may be read in evidence, and in all cases it shall be read when demanded by the accused. If the accused shall be found guilty or shall admit the truth of the accusation he shall be adjudged to be the father of such child and shall stand chargeable with its future maintenance in such sum and in such manner as the court shall direct and also for all expenses incurred by such town or county or by the mother of such child for the lying-in and attendance of the mother during her sickness and also for the care and support of such child since its

birth and until it shall attain the age of sixteen years and for the costs of the prosecution. All which matters shall be ascertained and fixed by the court and shall be inserted in the judgment.

SEC. 1536. *Bond or commitment.*—If the person so adjudged to be the father of such child shall give a bond to the proper town or county in such sum and with such sureties as shall be approved by the court, conditioned for the performance of such judgment and the payment of all sums ordered thereby to be paid as therein directed, and shall pay the costs of prosecution and any sums adjudged then to be paid, he shall be discharged; otherwise he shall be committed to the county jail until he shall comply with and perform such judgment or shall be otherwise discharged according to law. In counties having and maintaining a house of correction, or workhouse the commitment may be to the house of correction or workhouse of said county instead of to the county jail.

SEC. 1537. *When and how discharged.*—Any person who shall have been so imprisoned ninety days may apply for his discharge from imprisonment in the manner provided by law for the discharge from imprisonment of persons confined in jail upon executions against the person; but notice of the application for such discharge shall be given to the complainant, if living within the State, and also to the chairman of the proper town or county board at least fifteen days before such application for discharge is made.

SEC. 1538. *Execution.*—The court, upon motion by the mother of such child or of any town or county interested may, from time to time, order execution to issue against the defendant and his sureties in any bond given as aforesaid to secure the performance of any such judgments, or against a defendant who shall have been discharged under the preceding section for such sum as may at any time become due thereon and remain unpaid.

SEC. 1539. *Prosecution by officers.*—When the mother of a bastard child commences any such proceeding and fails to prosecute the same the supervisors of the proper town or proper officers of the county in which the distinction between town and county poor has been abolished or any person interested in the support of such bastard may prosecute the proceedings commenced by the mother to final judgment.

SEC. 1540. *Inquiry by officers.*—If any female shall be delivered of a bastard child which is or is likely to become a public charge, or shall be pregnant of a child likely to be borne a bastard and to become a public charge, any member of the town board in a town, village board in a village, common council in a city or superintendent or commissioner of poor or the chairman of the committee on poor in any such town, village or city wherein such female shall reside, or in case she shall reside in a county which has abolished the distinction between county poor and town poor, any member of the county board or any superintendent of the county poor thereof may, if they deem proper, apply to some justice of the peace of the same county, who shall thereupon examine such female on oath respecting the father of such child, the time when and the place where such child was begotten and as to such other circumstances as he may deem necessary; and such justice shall reduce such examination to writing and shall thereupon issue his warrant, without further or formal complaint, to apprehend the reputed father, and the same proceedings shall be had thereon and with the like effects as are hereinbefore provided in cases of complaint made by such female.

SEC. 1541. *Warrant—Attendance of female.*—Any warrant issued under this chapter may be executed in any part of this State; and in all cases said town and county supervisors, superintendents of county poor and the accused may compel the said female to attend and testify the same as witnesses in other cases.

SEC. 1542. *Compromise.*—The chairman of the town, president of the village or mayor of the city wherein any such female shall reside, or county superintendents of poor in such counties as may have abolished the distinction between town and county poor, shall have power to make such compromise or arrangement with the putative father of any bastard child in any such town, city, village or county relative to the support of such child as they shall deem equitable and just; and thereupon may discharge such putative father from all liability for the support of such bastard.

SEC. 2273. *Property of illegitimate child.*—If any illegitimate child shall die intestate, without lawful issue, his estate shall descend to his mother; or in case of her decease, to her heirs at law.

SEC. 2274. *Heirship of illegitimates.*—Every illegitimate child shall be considered as heir of the person who shall, in writing signed in the presence of a competent witness, have acknowledged himself to be the father of such child or who shall be adjudged to be such father under the provisions of sections 1530 to 1542, inclusive, of the statutes, or who shall admit in open court that he is such father, and shall in all cases be considered as heir of his mother, and shall inherit his or her estate, in whole or in part, as the case may be, in the same manner as if he had, been born in lawful wedlock; but he shall not be allowed

Legitimation and inheritance.



to claim, as representing his father or mother any part of the estate of his or her kindred, either lineal or collateral, unless before his death he shall have been legitimated by the marriage of his parents in the manner prescribed by law. (As amended by Laws 1917, ch. 218.)

**SEC. 2339n-24. Removal of impediments to subsequent marriages.**—If a person during the lifetime of a husband or wife with whom the marriage is in force, enters into a subsequent marriage contract in accordance with the provisions of section 2339n-1, and the parties thereto live together thereafter as husband and wife, and such subsequent marriage contract was entered into by one of the parties in good faith, in the full belief that the former husband or wife was dead, or that the former marriage had been annulled, or dissolved by a divorce, or without knowledge of such former marriage, they shall, after the impediment to their marriage has been removed by the death or divorce of the other party to such former marriage, if they continue to live together as husband and wife in good faith on the part of one of them, be held to have been legally married from and after the removal of such impediment, and the issue of such subsequent marriage shall be considered as the legitimate issue of both parents. (Added by Laws 1917, ch. 218.)

**SEC. 2339n-25. Legitimation of child by marriage.**—In any and every case where the father and mother of an illegitimate child or children shall lawfully intermarry, such child or children shall thereby become legitimated and enjoy all the rights and privileges of legitimacy as if they had been born during the wedlock of their parents; and this section shall be taken to apply to all cases prior to its date, as well as those subsequent thereto: *Provided*, That no estate already vested shall be divested by section 2274 and sections 2339n-1 to 2339n-27, inclusive, of the statutes. The issue of all marriages declared null in law shall, nevertheless, be legitimate. (Added by Laws 1917, ch. 218.)

**SEC. 4585. Concealing death of bastard.**—Any woman who shall conceal the death of any issue of her body which, if born alive, would be a bastard so that it may not be known whether such issue was born alive or not or whether it was not murdered, shall be punished by imprisonment in the county jail not more than one year nor less than six months, or by fine not exceeding three hundred dollars nor less than one hundred dollars.

**SEC. 4587. Abandonment of young child.**—Any person having the custody of any child under the age of six years who shall expose such child in any highway or in any other place, with intent to abandon it, shall be punished by imprisonment in the State prison not more than three years nor less than one year, or by imprisonment in the county jail not more than one year.

**SEC. 4587c. Abandonment of child or wife—Penalty.**—1. Any person who shall, without just cause, desert or willfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances; or any person who shall, without lawful excuse, desert or willfully neglect or refuse to provide for the support and maintenance of his or her legitimate or illegitimate minor child or children under the age of sixteen years in destitute or necessitous circumstances, shall be guilty of a crime, and, on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the State prison, county jail or in the county workhouse not exceeding two years, or both, in the discretion of the court. And it is hereby made the duty of the parent of any illegitimate child or children, under the age of sixteen years, to provide for the support and maintenance of such illegitimate child or children: *Provided*, That the parent of any illegitimate child who shall have made provision for the support of such child by giving bond, or by settlement with the proper officers in accordance with the provisions of chapter 64 of the statutes, shall not be subject to the provisions of this section.

2. Proceedings under this section may be instituted upon complaint made under oath or affirmation by the wife or child or children, or either of them, or by any other person or persons, or organization, against any person guilty of either of the above-named offenses.

3. At any time before trial, upon petition of the complainant and upon notice to the defendant, the court, or a judge thereof in vacation, may enter such temporary order as may seem just, providing for support of the deserted wife or children, or both, pendente lite, and may punish for violation of such order as for contempt.

4. Before the trial, with the consent of the defendant, or at the trial, on entry of a plea of guilty, or after conviction, instead of imposing the penalty hereinbefore provided or in addition thereto, the court in its discretion, having regard to the circumstances, and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by the court from time to

time, as circumstances may require, directing the defendant to pay a certain sum weekly for a period not exceeding two years, to the wife or to the guardian, curator or custodian of the said minor child or children, or to an organization or individual approved by the court as trustee; and shall also have the power to release the defendant from custody on probation for the period so fixed, upon his or her entering into a recognizance, with or without surety, in such sum as the court or a judge thereof in vacation, may order and approve. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so, and shall farther comply with the terms of such order of support, or of any subsequent modification thereof, then such recognizance shall be void, otherwise of full force and effect.

5. If the court be satisfied by information and due proof under oath, that at any time during said period of two years the defendant has violated the term of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, as the case may be. In case of forfeiture of recognizance, and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid, in whole or in part, to the wife, or to the guardian, curator, custodian or trustee of the said minor child or children.

6. No other or greater evidence shall be required to prove the marriage of such husband and wife, or that the defendant is the father or mother of such child or children, whether legitimate or illegitimate, than is or shall be required to prove such facts in a civil action. In no prosecution under this section shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife shall be competent and compellable witnesses to testify against each other to any and all relevant matters, including the fact of such marriage and the parentage of such child or children: *Provided*, That neither shall be compelled to give evidence incriminating himself or herself, proof of the desertion of such wife, child or children in destitute or necessitous circumstances or of neglect or refusal to provide for the support and maintenance of such wife, child or children shall be prima facie evidence that such desertion, neglect or refusal is willful.

**NOTE ON BIRTH REGISTRATION.**—Certificate states whether legitimate or illegitimate (1022-30). If child is born out of wedlock and thereafter proceedings are had under the provisions of sections 1530 to 1542 inclusive, of the statutes, and in such proceedings the paternity of such child determined, such child shall be given the name of such father in said report (1022-30, added by amendment, June 18, 1915).

**NOTE ON ADOPTION LAW.**—The illegitimate mother is recognized in the consent requirement. (Sec. 4022.)

## WYOMING.

Compiled Statutes, 1910.

**SECTION 3941. *Legitimacy of children presumed.***—A divorce for the cause of adultery committed by the wife, shall not affect the legitimacy of the issue of the marriage, but the legitimacy of such children if questioned may be determined by the court upon proofs in the case, and in every case the legitimacy of all children begotten before the commencement of the action, shall be presumed until the contrary is shown.

**SEC. 3942. *Certain divorces not to affect legitimacy of children.***—Upon the dissolution of a marriage on account of the nonage, insanity or idiocy of either party, the issue of the marriage shall be deemed to be in all respects, the legitimate issue of the parent, who at the time of the marriage was capable of contracting, or if neither parent be of age, then of the oldest parent.

**SEC. 3943. *Divorce because of prior marriage—Form of decree—Legitimacy of children.***—When a marriage is dissolved on account of a prior marriage of either, and it shall appear that the second marriage was contracted in good faith and with the full belief of the parties that the former wife or husband was dead, or that one of the parties was ignorant of the fact that the other had a wife or husband living, the fact shall be stated in the decree of divorce or nullity, and the issue of such second marriage born or begotten before the commencement of the action shall be deemed to be the legitimate issue of the parent who at the time of the marriage was capable of contracting.

**SEC. 3944. *When issue deemed illegitimate.***—Upon the dissolution by decree of nullity of any marriage that is prohibited on account of consanguinity between the parties, the issue of the marriage shall be deemed to be illegitimate.

**SEC. 5731. *Illegitimate children; inheritance by.***—Illegitimate children shall inherit the same as those born in wedlock, if the parents subsequently intermarry, and such children be recognized after such intermarriage by the father, to be his illegitimate children, inherit from the mother and the mother from the children.

SEC. 5732. *Divorce not to affect inheritance.*—Divorces of husband and wife shall not affect the right of children personally together, to inherit their property.

**Divorce.**

SEC. 5733. *Rule of descent from illegitimate person.*—The rule of descent of all property of whatsoever kind or nature, real and personal, of any bastard or illegitimate person dying intestate in this State, and leaving

**Inheritance.**

property and effects therein, shall be as follows, to-wit: On the death of any such person intestate, his or her property, estate and effects, shall descend to, and vest in, the widow or surviving husband and children, as the property and effects of other persons, in like cases. In case of the death of any such illegitimate person leaving no children or descendants of a child or children, then the whole property and estate, rights, credits and effects shall descend to, and vest in the widow or surviving husband. In case of any such illegitimate person leaving no widow, surviving husband or descendants, then the property and estate of such person shall descend to, and vest in, the mother and her children, and their descendants; to the mother one-half and the other half held to be equally divided between her children and their descendants, the descendants of a child taking the share of the deceased parent or ancestors. In case of the death of any such illegitimate person leaving no heirs, as above provided, then the property and effects of whatsoever kind or nature, shall pass to, and vest in, the next of kin to the mother of such illegitimate person, in the same manner as the estate of a legitimate person, would by law, pass to the next of kin.

SEC. 5739. *Parents joint guardians—Survivor may dispose of custody.*—\* \* \* \* \*

Any unmarried or widowed mother, whether of full age or a minor, of a child likely to be born or a child under the age of twenty-one and unmarried, may by a written instrument duly acknowledged, or last will duly executed, dispose of the custody and tuition of such child during its minority, or for any less time, to any proper person who shall, nevertheless, be subject to be removed as such guardian of the person, by any court of competent jurisdiction, for failure to discharge such trust. (As amended by Laws 1915, ch. 143.)

**Guardianship.**

SEC. 6371. *Complaint and warrant for arrest.*—When an unmarried woman who has been delivered of, or is pregnant with a bastard child, makes complaint thereof in writing, under oath, before any justice of the peace, charging a person with being the father of such child, the justice shall thereupon issue his warrant, directed to any sheriff or constable of this State, commanding him to pursue and arrest such accused person in any county in the State and bring him forthwith before the justice to answer the complaint.

**Illegitimacy proceedings.**

SEC. 6372. *Examination of the complainant.*—Upon the return of the warrant the justice shall examine the complainant, under oath, in the presence of the accused, respecting the cause of her complaint; the accused shall be allowed to ask the complainant, when under oath, any question he may think necessary for his defense, and the examination of the complainant by the justice, the questions of the defendant and the answers thereto by the complainant shall be reduced to writing, in the presence of the justice, and subscribed by the complainant.

SEC. 6373. *Adjournment of examination and bond to answer complaint.*—The justice may, at the request of either party, and upon good cause shown, continue the examination for a period not to exceed ten days, upon the accused entering into a recognizance to the people of the State of Wyoming, with sufficient surety, in a sum not less than three hundred dollars nor more than six hundred dollars, to appear and answer the complaint at the time fixed for the hearing thereof, and abide the order of the justice.

SEC. 6374. *Compromise and bond.*—If, during the examination before the justice, or at any time before judgment in the district court, the accused pay, or secure to be paid to the complainant, such amount of money or property as she may agree to receive in full satisfaction, and give bond to the people of the State of Wyoming, with sufficient surety, to be approved by the justice, court or judge in vacation, conditioned to save any county within the State free from all charges for the maintenance of such bastard child, the justice, court or judge in vacation shall discharge the accused from custody, upon payment of the costs of the prosecution; but such agreement shall be made or acknowledged by both parties, in the presence of the justice, court or judge in vacation; who shall thereupon enter a memorandum thereof upon his docket, or cause the same to be made upon the journal.

SEC. 6375. *When no compromise made, accused to be recognized.*—If no compromise be made, the justice before whom the complaint was made shall bind the accused to appear at the next term of the district court in and for such county, in a recognizance to the people of the State of Wyoming, with sufficient surety to be approved by such justice, in a sum not less than three hundred dollars, nor more than six hundred dollars, to answer the accusation and abide the order of the court, and on neglect or refusal to find such security, the justice shall cause the accused to be committed to the jail of the county, there to be held to answer the complaint.



6388. *Proceedings on failure of officer to arrest accused.*—When it appears from return of the officer upon the warrant that the accused could not be arrested, the sheriff, upon demand, forthwith make a certified transcript of the proceedings and return them to him, including copies of the complaint and warrant with the return thereon, and deliver the same to the complainant, her agent or attorney.

6389. *Order of attachment and grounds therefor.*—Upon the filing of the petition in the preceding section, in the office of the clerk of the district court in which the justice resides, an order of attachment shall be issued by the clerk, when there is filed in his office an affidavit of the complainant, her agent or attorney, showing:

1. That the complainant is the mother of a bastard child, or that she is pregnant with a child, if born alive, will be a bastard;

2. That the accused person is the father of such child;

3. That the accused is one or more of the following grounds:

a. That the accused is a nonresident of the State; or

b. That the accused is connected with the intent to defraud complainant; or,

c. That the accused has fled from the county of his residence to avoid the service of a warrant,

or that the accused conceals himself that a warrant can not be served upon him.

SEC. 6390. *Proceedings under attachment same as in civil actions.*—The order of attachment shall issue without an undertaking. The amount of property seized thereon shall not exceed one thousand dollars in appraised value; and attachments under this chapter shall be subject to the provisions of law in this State relating to attachments in civil actions, and be governed in all respects thereby.

SEC. 6391. *Service by publication.*—Upon the return of the order of attachment, service may be had by publication, for four consecutive weeks, in some newspaper of general circulation in the county wherein the cause is pending, of a notice of pendency of the proceeding, stating the object thereof, the substance of the complaint, and that an order of attachment has been issued and served therein; and in such case copies of the complaint and order of attachment, with the return thereon, shall forthwith be deposited in the post office, directed to the accused at his place of residence, unless it be made to appear to the court, by affidavit or otherwise, that such residence is unknown to the complainant, and could not, with reasonable diligence, be ascertained by her. The cause may be heard or determined at any time after the completion of service by publication.

SEC. 6392. *Order of the court with respect to attached property.*—If, upon such trial, the accused be adjudged to be the reputed father of the child, the court shall order that unless the defendant, within a day to be fixed by the court, pay the sum adjudged against him, with costs of prosecution, so much of the property remaining in the hands of the officer, after applying the money arising from the sale of perishable property, and so much of the personal property, and lands and tenements, if any, as may be necessary to satisfy such order be sold under the same restrictions and regulations as if the same had been levied on by execution. The money arising therefrom, with the amount that may be recovered from the garnishee, shall be subject to the order and control of the court, and be applied to satisfy such order in such sums and at such times as the court may order and direct; if there be not enough to satisfy the same, the order of the court shall stand, and execution may issue thereon for the residue, in all respects as in judgments at law; and any surplus of attached property, or its proceeds, shall be returned to the defendant.

SEC. 6393. *County commissioners may prosecute suit.*—If a woman have a bastard child, and neglects to bring a suit for its maintenance, or commences a suit and fails to prosecute it to final judgment, the county commissioners of the county interested in the support of such bastard child may, when sufficient security is not offered to save such county from expense, make complaint on behalf of such county, against him who is accused of begetting such child, or may take up and prosecute a complaint begun by the mother of such child.

SEC. 6394. *County commissioners may recover on bond given in bastardy proceedings.*—The county commissioners of the county in which a bastard child becomes a charge may sue and recover on any bond given to the people of the State of Wyoming in any proceeding against the reputed father of such bastard child; and the provisions of this chapter, and all the remedies herein allowed shall apply to all cases in which the county commissioners are authorized to commence or prosecute a complaint against the reputed father of an illegitimate child.

NOTE ON BIRTH REGISTRATION.—United States Bureau of Census standard form. (Sec. 2957.)

NOTE ON INCESTUOUS MARRIAGES.—Law applies to illegitimate relationship. (Sec. 3917.)

SEC. 6376. *Proceedings for discharge, on bail, of persons committed in default thereof.*—A person committed to jail for failure to give such recognizance, may be discharged from custody by entering into recognizance, with sufficient surety, in a sum not less than three hundred dollars and not more than six hundred dollars, to be taken and approved by a judge of the district court, and by him filed in the office of the clerk of the court.

SEC. 6377. *Justice shall file transcript and papers with clerk.*—The justice before whom the examination is had shall, within thirty days thereafter, file with the clerk of the district court of the county, a certified transcript of the proceedings, together with the recognizance, if any be taken, and all other papers therein.

SEC. 6378. *Continuance of cause in district court—Effect on bond.*—If, at the next term of the court, the complainant has not been delivered, or is unable to attend; or if there be any other sufficient reason therefor, the court may order a continuance of the cause, and such continuance shall operate as a renewal of the recognizance, which shall remain in full force until final judgment.

SEC. 6379. *Surrender of accused by sureties, and new recognizance.*—If the sureties on the recognizance, at any term of the district court, surrender the accused, and request to be released from the recognizance, or if the court deems the recognizance insufficient, the court may order a new recognizance to be taken, cancel the first recognizance, and commit the accused until a new recognizance is taken.

SEC. 6380. *Failure of accused to appear and forfeiture of recognizance.*—If the accused fail to appear at the term of the court to which he is recognized, his recognizance shall be forfeited; and if a verdict of guilty be rendered, and judgment entered thereon as hereinafter provided, the amount of such forfeited recognizance shall be applied in payment of the judgment.

SEC. 6381. *Accused to be permitted to defend.*—Before or upon the hearing of the complaint, the court in every case shall permit the accused to appear in person, or by counsel, and make defense.

SEC. 6382. *Trial in court.*—When the accused pleads not guilty of the charge, before the court to which he is recognized to appear, or having been recognized, fails to appear, the court shall order the issue to be tried by a jury, and at the trial of such issue, the examination before the justice shall be given in evidence by the complainant.

SEC. 6383. *Order of court when accused adjudged the reputed father.*—If the accused, in person or by counsel, confess in court that the accusation is true, or if, upon the trial, the jury find him guilty, he shall be adjudged the reputed father of the bastard child and shall stand charged with the maintenance thereof in such sum as the court shall order and direct, with the payment of costs of prosecution; the court shall require the reputed father to give security to perform such order; and in case he neglect or refuse to give such security and pay the costs of prosecution, he shall be committed to the jail of the county, there to remain except as provided in the next section, until he complies with the order of the court.

SEC. 6384. *When putative father entitled to benefits of provisions of law relating to insolvent debtors.*—Such putative father, after having been confined in such jail for the period of three months for failing to comply with the order of the court provided for in the last section, shall be entitled to the benefits of the provisions of law relating to insolvent debtors in the same manner as persons imprisoned for debt; but before such putative father shall receive, or be entitled to such benefits, he shall give at least three days' notice to the complainant or her attorney of his intention to apply therefor.

SEC. 6385. *Effect of death of mother, if child living.*—The death of the mother shall not abate the prosecution if the child is living, but a suggestion of the fact shall be made, and the name of the child substituted upon the record for that of the mother, and a guardian ad litem appointed, who shall not be liable for costs; and in such case the testimony of the mother, reduced to writing before the justice, may be read in evidence.

SEC. 6386. *Effect of death of child upon prosecution, if mother be living.*—The death of a bastard child shall not be cause of abatement, or bar to a prosecution for bastardy, if the mother be living; but the court trying the cause shall, on conviction, take the death into consideration, and give judgment for such sum as it deems just, the payment of which, or security therefor, may be enforced as above provided.

SEC. 6387. *Upon death of child after judgment, court may modify amount.*—Upon the death of a bastard child after judgment, and before the expiration of the time limited for the last payment on the judgment, the court which rendered the judgment may, on motion and notice, make such reduction in the amount of the same as is proper and just in consequence of such death.

SEC. 6388. *Proceedings on failure of officer to arrest accused.*—When it appears from the return of the officer upon the warrant that the accused could not be arrested, the justice shall, upon demand, forthwith make a certified transcript of the proceedings had before him, including copies of the complaint and warrant with the return thereon, and deliver the same to the complainant, her agent or attorney.

SEC. 6389. *Order of attachment and grounds therefor.*—Upon the filing of the transcript mentioned in the preceding section, in the office of the clerk of the district court of the county in which the justice resides, an order of attachment shall be issued by the clerk, when there is filed in his office an affidavit of the complainant, her agent or attorney showing:

First. That the complainant is the mother of a bastard child, or that she is pregnant with a child which, if born alive, will be a bastard;

Second. That the accused person is the father of such child;

Third. The existence of one or more of the following grounds:

1. That the accused is a nonresident of the State; or

2. Has absconded with the intent to defraud complainant; or,

3. Has left the county of his residence to avoid the service of a warrant,

4. So conceals himself that a warrant can not be served upon him.

SEC. 6390. *Proceedings under attachment same as in civil actions.*—The order of attachment shall issue without an undertaking. The amount of property seized thereon shall not exceed one thousand dollars in appraised value; and attachments under this chapter shall be subject to the provisions of law in this State relating to attachments in civil actions, and be governed in all respects thereby.

SEC. 6391. *Service by publication.*—Upon the return of the order of attachment, service may be had by publication, for four consecutive weeks, in some newspaper of general circulation in the county wherein the cause is pending, of a notice of a pendency of the proceeding, stating the object thereof, the substance of the complaint, and that an order of attachment has been issued and served therein; and in such case copies of the complaint and order of attachment, with the return thereon, shall forthwith be deposited in the post office, directed to the accused at his place of residence, unless it be made to appear to the court, by affidavit or otherwise, that such residence is unknown to the complainant, and could not, with reasonable diligence, be ascertained by her. The cause may be heard or determined at any time after the completion of service by publication.

SEC. 6392. *Order of the court with respect to attached property.*—If, upon such trial, the accused be adjudged to be the reputed father of the child, the court shall order that unless the defendant, within a day to be fixed by the court, pay the sum adjudged against him, with costs of prosecution, so much of the property remaining in the hands of the officer, after applying the money arising from the sale of perishable property, and so much of the personal property, and lands and tenements, if any, as may be necessary to satisfy such order be sold under the same restrictions and regulations as if the same had been levied on by execution. The money arising therefrom, with the amount that may be recovered from the garnishee, shall be subject to the order and control of the court, and be applied to satisfy such order in such sums and at such times as the court may order and direct; if there be not enough to satisfy the same, the order of the court shall stand, and execution may issue thereon for the residue, in all respects as in judgments at law; and any surplus of attached property, or its proceeds, shall be returned to the defendant.

SEC. 6393. *County commissioners may prosecute suit.*—If a woman have a bastard child, and neglects to bring a suit for its maintenance, or commences a suit and fails to prosecute it to final judgment, the county commissioners of the county interested in the support of such bastard child may, when sufficient security is not offered to save such county from expense, make complaint on behalf of such county, against him who is accused of begetting such child, or may take up and prosecute a complaint begun by the mother of such child.

SEC. 6394. *County commissioners may recover on bond given in bastardy proceedings.*—The county commissioners of the county in which a bastard child becomes a charge may sue and recover on any bond given to the people of the State of Wyoming in any proceeding against the reputed father of such bastard child; and the provisions of this chapter, and all the remedies herein allowed shall apply to all cases in which the county commissioners are authorized to commence or prosecute a complaint against the reputed father of an illegitimate child.

NOTE ON BIRTH REGISTRATION.—United States Bureau of Census standard form. (Sec. 2957.)

NOTE ON INCESTUOUS MARRIAGES.—Law applies to illegitimate relationship. (Sec. 3917.)

## UNITED STATES.

1 Fed. Stat. Ann., 2d ed., p. 1225.

Act of March 22, 1882: Act to amend section 5352 of Revised Statutes of United States in reference to bigamy.

**SECTION 7.** *Issue of Mormon marriages before January, 1883, legitimated.*—The issue of bigamous or polygamous marriages, known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the first day of January, anno Domini eighteen hundred and eighty-three, are hereby legitimated. (See Utah, sec. 2850.)

1 Fed. Stat. Ann., 1st ed., p. 709.

Act of March 3, 1887, in reference to bigamy.

**SEC. 11.** *Laws of Utah allowing illegitimate children to inherit annulled.*—That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of any such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: *Provided*, That this section shall not apply to any illegitimate child born within twelve months after the passage of this act, nor to any child made legitimate by the seventh section of the act entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March twenty-second, eighteen hundred and eighty-two. (See Utah, sec. 2848, *supra*.)



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TEXT OF FOREIGN ILLEGITIMACY LAWS

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# TEXT OF FOREIGN ILLEGITIMACY LAWS.<sup>1</sup>

## FRANCE.<sup>2</sup>

### PROVISIONS OF THE CIVIL CODE.

#### LEGITIMATION OF CHILDREN BORN OUT OF WEDLOCK.

SECTION 331.<sup>3</sup> (Law of Dec. 30, 1915.) Children born out of wedlock, except those born of adultery, are legitimized by the subsequent marriage of their father and mother, when these latter parties have recognized them legally before their marriage and when they are recognizing them at the time of the marriage celebration. In this latter case, the registrar of vital statistics who celebrates the marriage notes the recognition and the legitimation in a separate document.

When an illegitimate child has been recognized by its father and mother or by one of them subsequently to their marriage, this recognition will bring about legitimation only after a judgment pronounced in public sitting after inquiry and discussion in the council chamber, which judgment must state that the child had, since the celebration of the marriage, the status of a child common to both parents.

Children born of adultery are legitimated in the following cases by the subsequent marriage of their father and mother, when these latter parties have recognized them at the time of the marriage celebration, in the manner prescribed in the first paragraph of this section;

(1) Children born in consequence of adulterous intercourse on the part of the mother when they are disowned by the husband or his heirs;

(2) Children born in consequence of adulterous intercourse on the part of the father or mother when they are said to have been conceived at a time when the father or mother resided separately by virtue of an order issued in accordance with section 878 of the Code of Civil Procedure<sup>4</sup> and prior to waiving of proceedings, the refusal of the request or to a reconciliation judicially acknowledged.

However, both the recognition and legitimation may be made void if the child has the status of a legitimate child;

(3) Children born in consequence of adulterous intercourse on the part of the husband in all other cases, if at the time of the subsequent marriage there are no children or legitimate descendants issued from the marriage during which the adulterine child was born or had been conceived.

Any case of legitimation will be mentioned on the margin of the birth record of the legitimated child.

This mention will be made at the request of the registrar of vital statistics who performed the marriage, if he knows of the existence of the children; if not, at the request of any interested party.

SEC. 332. Legitimation may take place even in favor of deceased children who left descendants; in such case it operates for the benefit of those descendants.

SEC. 333. Children legitimated by subsequent marriage shall have the same rights as if they had been born from that marriage.

#### RECOGNITION OF ILLEGITIMATE CHILDREN.

SEC. 334. The recognition of an illegitimate child shall be made by a document drawn up before a notary when the recognition had not been made in his birth record.

SEC. 335. This recognition shall not be made for the benefit of children born from an incestuous or adulterous intercourse, subject to the provisions of section 331.

SEC. 336. Recognition by the father, without reference to and consent of the mother, has an effect only with regard to the father.

SEC. 337. Recognition during marriage by either the husband or the wife in favor of an illegitimate child which he or she had before the present marriage from another than the present marriage partner, can not affect the rights either of the other party to the marriage, or those of the children born from that marriage. However, it shall have its legal effect after the dissolution of the marriage if there are no children from that marriage.

<sup>1</sup> The Norwegian laws have been issued in a separate publication: Norwegian Laws Concerning Illegitimate Children; Introduction and translation by Leifur Magnusson. Legal series No. 1, Bureau publication No. 31. U. S. Children's Bureau, 1918.

<sup>2</sup> As in force on Dec. 31, 1918.

<sup>3</sup> This and other sections referred to, unless otherwise stated, are sections of the Civil Code. Edition used: Code Civil, Paris, Librairie Dalloz, 1919.

<sup>4</sup> Describes procedure in case of separation.

birth and until it shall attain the age of sixteen years and for the costs of the prosecution. All which matters shall be ascertained and fixed by the court and shall be inserted in the judgment.

SEC. 1536. *Bond or commitment.*—If the person so adjudged to be the father of such child shall give a bond to the proper town or county in such sum and with such sureties as shall be approved by the court, conditioned for the performance of such judgment and the payment of all sums ordered thereby to be paid as therein directed, and shall pay the costs of prosecution and any sums adjudged then to be paid, he shall be discharged; otherwise he shall be committed to the county jail until he shall comply with and perform such judgment or shall be otherwise discharged according to law. In counties having and maintaining a house of correction, or workhouse the commitment may be to the house of correction or workhouse of said county instead of to the county jail.

SEC. 1537. *When and how discharged.*—Any person who shall have been so imprisoned ninety days may apply for his discharge from imprisonment in the manner provided by law for the discharge from imprisonment of persons confined in jail upon executions against the person; but notice of the application for such discharge shall be given to the complainant, if living within the State, and also to the chairman of the proper town or county board at least fifteen days before such application for discharge is made.

SEC. 1538. *Execution.*—The court, upon motion by the mother of such child or of any town or county interested may, from time to time, order execution to issue against the defendant and his sureties in any bond given as aforesaid to secure the performance of any such judgments, or against a defendant who shall have been discharged under the preceding section for such sum as may at any time become due thereon and remain unpaid.

SEC. 1539. *Prosecution by officers.*—When the mother of a bastard child commences any such proceeding and fails to prosecute the same the supervisors of the proper town or proper officers of the county in which the distinction between town and county poor has been abolished or any person interested in the support of such bastard may prosecute the proceedings commenced by the mother to final judgment.

SEC. 1540. *Inquiry by officers.*—If any female shall be delivered of a bastard child which is or is likely to become a public charge, or shall be pregnant of a child likely to be borne a bastard and to become a public charge, any member of the town board in a town, village board in a village, common council in a city or superintendent or commissioner of poor or the chairman of the committee on poor in any such town, village or city wherein such female shall reside, or in case she shall reside in a county which has abolished the distinction between county poor and town poor, any member of the county board or any superintendent of the county poor thereof may, if they deem proper, apply to some justice of the peace of the same county, who shall thereupon examine such female on oath respecting the father of such child, the time when and the place where such child was begotten and as to such other circumstances as he may deem necessary; and such justice shall reduce such examination to writing and shall thereupon issue his warrant, without further or formal complaint, to apprehend the reputed father, and the same proceedings shall be had thereon and with the like effects as are hereinbefore provided in cases of complaint made by such female.

SEC. 1541. *Warrant—Attendance of female.*—Any warrant issued under this chapter may be executed in any part of this State; and in all cases said town and county supervisors, superintendents of county poor and the accused may compel the said female to attend and testify the same as witnesses in other cases.

SEC. 1542. *Compromise.*—The chairman of the town, president of the village or mayor of the city wherein any such female shall reside, or county superintendents of poor in such counties as may have abolished the distinction between town and county poor, shall have power to make such compromise or arrangement with the putative father of any bastard child in any such town, city, village or county relative to the support of such child as they shall deem equitable and just; and thereupon may discharge such putative father from all liability for the support of such bastard.

SEC. 2273. *Property of illegitimate child.*—If any illegitimate child shall die intestate, without lawful issue, his estate shall descend to his mother; or in case of her decease, to her heirs at law.

SEC. 2274. *Heirship of illegitimates.*—Every illegitimate child shall be considered as heir of the person who shall, in writing signed in the presence of a competent witness, have acknowledged himself to be the father of such child or who shall be adjudged to be such father under the provisions of sections 1530 to 1542, inclusive, of the statutes, or who shall admit in open court that he is such father, and shall in all cases be considered as heir of his mother, and shall inherit his or her estate, in whole or in part, as the case may be, in the same manner as if he had, been born in lawful wedlock; but he shall not be allowed

Inheritance.

Legitimation and inheritance.

to claim, as representing his father or mother any part of the estate of his or her kindred, either lineal or collateral, unless before his death he shall have been legitimated by the marriage of his parents in the manner prescribed by law. (As amended by Laws 1917, ch. 218.)

**SEC. 2339n-24. Removal of impediments to subsequent marriages.**—If a person during the lifetime of a husband or wife with whom the marriage is in force, enters into a subsequent marriage contract in accordance with the provisions of section 2339n-1, and the parties thereto live together thereafter as husband and wife, and such subsequent marriage contract was entered into by one of the parties in good faith, in the full belief that the former husband or wife was dead, or that the former marriage had been annulled, or dissolved by a divorce, or without knowledge of such former marriage, they shall, after the impediment to their marriage has been removed by the death or divorce of the other party to such former marriage, if they continue to live together as husband and wife in good faith on the part of one of them, be held to have been legally married from and after the removal of such impediment, and the issue of such subsequent marriage shall be considered as the legitimate issue of both parents. (Added by Laws 1917, ch. 218.)

**SEC. 2339n-25. Legitimation of child by marriage.**—In any and every case where the father and mother of an illegitimate child or children shall lawfully intermarry, such child or children shall thereby become legitimated and enjoy all the rights and privileges of legitimacy as if they had been born during the wedlock of their parents; and this section shall be taken to apply to all cases prior to its date, as well as those subsequent thereto: *Provided*, That no estate already vested shall be divested by section 2274 and sections 2339n-1 to 2339n-27, inclusive, of the statutes. The issue of all marriages declared null in law shall, nevertheless, be legitimate. (Added by Laws 1917, ch. 218.)

**SEC. 4585. Concealing death of bastard.**—Any woman who shall conceal the death of any issue of her body which, if born alive, would be a bastard so that it may not be known whether such issue was born alive or not or whether it was not murdered, shall be punished by imprisonment in the county jail not more than one year nor less than six months, or by fine not exceeding three hundred dollars nor less than one hundred dollars.

**SEC. 4587. Abandonment of young child.**—Any person having the custody of any child under the age of six years who shall expose such child in any highway or in any other place, with intent to abandon it, shall be punished by imprisonment in the State prison not more than three years nor less than one year, or by imprisonment in the county jail not more than one year.

**SEC. 4587c. Abandonment of child or wife—Penalty.**—1. Any person who shall, without just cause, desert or willfully neglect or refuse to provide for the support and maintenance of his wife in destitute or necessitous circumstances; or any person who shall, without lawful excuse, desert or willfully neglect or refuse to provide for the support and maintenance of his or her legitimate or illegitimate minor child or children under the age of sixteen years in destitute or necessitous circumstances, shall be guilty of a crime, and, on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the State prison, county jail or in the county workhouse not exceeding two years, or both, in the discretion of the court. And it is hereby made the duty of the parent of any illegitimate child or children, under the age of sixteen years, to provide for the support and maintenance of such illegitimate child or children: *Provided*, That the parent of any illegitimate child who shall have made provision for the support of such child by giving bond, or by settlement with the proper officers in accordance with the provisions of chapter 64 of the statutes, shall not be subject to the provisions of this section.

2. Proceedings under this section may be instituted upon complaint made under oath or affirmation by the wife or child or children, or either of them, or by any other person or persons, or organization, against any person guilty of either of the above-named offenses.

3. At any time before trial, upon petition of the complainant and upon notice to the defendant, the court, or a judge thereof in vacation, may enter such temporary order as may seem just, providing for support of the deserted wife or children, or both, pendente lite, and may punish for violation of such order as for contempt.

4. Before the trial, with the consent of the defendant, or at the trial, on entry of a plea of guilty, or after conviction, instead of imposing the penalty hereinbefore provided or in addition thereto, the court in its discretion, having regard to the circumstances, and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by the court from time to

time, as circumstances may require, directing the defendant to pay a certain sum weekly for a period not exceeding two years, to the wife or to the guardian, curator or custodian of the said minor child or children, or to an organization or individual approved by the court as trustee; and shall also have the power to release the defendant from custody on probation for the period so fixed, upon his or her entering into a recognizance, with or without surety, in such sum, as the court or a judge thereof in vacation, may order and approve. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so, and shall farther comply with the terms of such order of support, or of any subsequent modification thereof, then such recognizance shall be void, otherwise of full force and effect.

5. If the court be satisfied by information and due proof under oath, that at any time during said period of two years the defendant has violated the term of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, as the case may be. In case of forfeiture of recognizance, and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid, in whole or in part, to the wife, or to the guardian, curator, custodian or trustee of the said minor child or children.

6. No other or greater evidence shall be required to prove the marriage of such husband and wife, or that the defendant is the father or mother of such child or children, whether legitimate or illegitimate, than is or shall be required to prove such facts in a civil action. In no prosecution under this section shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife shall be competent and compellable witnesses to testify against each other to any and all relevant matters, including the fact of such marriage and the parentage of such child or children: *Provided*, That neither shall be compelled to give evidence incriminating himself or herself, proof of the desertion of such wife, child or children in destitute or necessitous circumstances or of neglect or refusal to provide for the support and maintenance of such wife, child or children shall be prima facie evidence that such desertion, neglect or refusal is willful.

**NOTE ON BIRTH REGISTRATION.**—Certificate states whether legitimate or illegitimate (1022-30). If child is born out of wedlock and thereafter proceedings are had under the provisions of sections 1530 to 1542 inclusive, of the statutes, and in such proceedings the paternity of such child determined, such child shall be given the name of such father in said report (1022-30, added by amendment, June 18, 1915).

**NOTE ON ADOPTION LAW.**—The illegitimate mother is recognized in the consent requirement. (Sec. 4022.)

## WYOMING.

Compiled Statutes, 1910.

**SECTION 3941. *Legitimacy of children presumed.***—A divorce for the cause of adultery committed by the wife, shall not affect the legitimacy of the issue of the marriage, but the legitimacy of such children if questioned may be determined by the court upon proofs in the case, and in every case the legitimacy of all children begotten before the commencement of the action, shall be presumed until the contrary is shown.

**SEC. 3942. *Certain divorces not to affect legitimacy of children.***—Upon the dissolution of a marriage on account of the nonage, insanity or idiocy of either party, the issue of the marriage shall be deemed to be in all respects, the legitimate issue of the parent, who at the time of the marriage was capable of contracting, or if neither parent be of age, then of the oldest parent.

**SEC. 3943. *Divorce because of prior marriage—Form of decree—Legitimacy of children.***—When a marriage is dissolved on account of a prior marriage of either, and it shall appear that the second marriage was contracted in good faith and with the full belief of the parties that the former wife or husband was dead, or that one of the parties was ignorant of the fact that the other had a wife or husband living, the fact shall be stated in the decree of divorce or nullity, and the issue of such second marriage born or begotten before the commencement of the action shall be deemed to be the legitimate issue of the parent who at the time of the marriage was capable of contracting.

**SEC. 3944. *When issue deemed illegitimate.***—Upon the dissolution by decree of nullity of any marriage that is prohibited on account of consanguinity between the parties, the issue of the marriage shall be deemed to be illegitimate.

**SEC. 5731. *Illegitimate children; inheritance by.***—Illegitimate children shall inherit the same as those born in wedlock, if the parents subsequently intermarry, and such children be recognized after such intermarriage by the father, to be his illegitimate children, inherit from the mother and the mother from the children.

**SEC. 5732. *Divorce not to affect inheritance.***—Divorces of husband and wife shall not affect the right of children personally together, to inherit their property.

**Divorce.**

**SEC. 5733. *Rule of descent from illegitimate person.***—The rule of descent of all property of whatsoever kind or nature, real and personal, of any bastard or illegitimate person dying intestate in this State, and leaving

**Inheritance.**

property and effects therein, shall be as follows, to-wit: On the death of any such person intestate, his or her property, estate and effects, shall descend to, and vest in, the widow or surviving husband and children, as the property and effects of other persons, in like cases. In case of the death of any such illegitimate person leaving no children or descendants of a child or children, then the whole property and estate, rights, credits and effects shall descend to, and vest in the widow or surviving husband. In case of any such illegitimate person leaving no widow, surviving husband or descendants, then the property and estate of such person shall descend to, and vest in, the mother and her children, and their descendants; to the mother one-half and the other half held to be equally divided between her children and their descendants, the descendants of a child taking the share of the deceased parent or ancestors. In case of the death of any such illegitimate person leaving no heirs, as above provided, then the property and effects of whatsoever kind or nature, shall pass to, and vest in, the next of kin to the mother of such illegitimate person, in the same manner as the estate of a legitimate person, would by law, pass to the next of kin.

**SEC. 5739. *Parents joint guardians—Survivor may dispose of custody.***—\* \* \* \*

Any unmarried or widowed mother, whether of full age or a minor, of a child likely to be born or a child under the age of twenty-one and unmarried,

**Guardianship.**

may by a written instrument duly acknowledged, or last will duly executed, dispose of the custody and tuition of such child during its minority, or for any less time, to any proper person who shall, nevertheless, be subject to be removed as such guardian of the person, by any court of competent jurisdiction, for failure to discharge such trust. (As amended by Laws 1915, ch. 143.)

**SEC. 6371. *Complaint and warrant for arrest.***—When an unmarried woman who has been delivered of, or is pregnant with a bastard child, makes complaint thereof in writing, under oath, before any justice of the peace, charging a person with being the father of such child, the justice shall thereupon issue his warrant, directed to any sheriff or constable of this State, commanding him to pursue and arrest such accused person in any county in the State and bring him forthwith before the justice to answer the complaint.

**Illegitimacy proceedings.**

**SEC. 6372. *Examination of the complainant.***—Upon the return of the warrant the justice shall examine the complainant, under oath, in the presence of the accused, respecting the cause of her complaint; the accused shall be allowed to ask the complainant, when under oath, any question he may think necessary for his defense, and the examination of the complainant by the justice, the questions of the defendant and the answers thereto by the complainant shall be reduced to writing, in the presence of the justice, and subscribed by the complainant.

**SEC. 6373. *Adjournment of examination and bond to answer complaint.***—The justice may, at the request of either party, and upon good cause shown, continue the examination for a period not to exceed ten days, upon the accused entering into a recognizance to the people of the State of Wyoming, with sufficient surety, in a sum not less than three hundred dollars nor more than six hundred dollars, to appear and answer the complaint at the time fixed for the hearing thereof, and abide the order of the justice.

**SEC. 6374. *Compromise and bond.***—If, during the examination before the justice, or at any time before judgment in the district court, the accused pay, or secure to be paid to the complainant, such amount of money or property as she may agree to receive in full satisfaction, and give bond to the people of the State of Wyoming, with sufficient surety, to be approved by the justice, court or judge in vacation, conditioned to save any county within the State free from all charges for the maintenance of such bastard child, the justice, court or judge in vacation shall discharge the accused from custody, upon payment of the costs of the prosecution; but such agreement shall be made or acknowledged by both parties, in the presence of the justice, court or judge in vacation; who shall thereupon enter a memorandum thereof upon his docket, or cause the same to be made upon the journal.

**SEC. 6375. *When no compromise made, accused to be recognized.***—If no compromise be made, the justice before whom the complaint was made shall bind the accused to appear at the next term of the district court in and for such county, in a recognizance to the people of the State of Wyoming, with sufficient surety to be approved by such justice, in a sum not less than three hundred dollars, nor more than six hundred dollars, to answer the accusation and abide the order of the court, and on neglect or refusal to find such security, the justice shall cause the accused to be committed to the jail of the county, there to be held to answer the complaint.

SEC. 6376. *Proceedings for discharge, on bail, of persons committed in default thereof.*—A person committed to jail for failure to give such recognizance, may be discharged from custody by entering into recognizance, with sufficient surety, in a sum not less than three hundred dollars and not more than six hundred dollars, to be taken and approved by a judge of the district court, and by him filed in the office of the clerk of the court.

SEC. 6377. *Justice shall file transcript and papers with clerk.*—The justice before whom the examination is had shall, within thirty days thereafter, file with the clerk of the district court of the county, a certified transcript of the proceedings, together with the recognizance, if any be taken, and all other papers therein.

SEC. 6378. *Continuance of cause in district court—Effect on bond.*—If, at the next term of the court, the complainant has not been delivered, or is unable to attend; or if there be any other sufficient reason therefor, the court may order a continuance of the cause, and such continuance shall operate as a renewal of the recognizance, which shall remain in full force until final judgment.

SEC. 6379. *Surrender of accused by sureties, and new recognizance.*—If the sureties on the recognizance, at any term of the district court, surrender the accused, and request to be released from the recognizance, or if the court deems the recognizance insufficient, the court may order a new recognizance to be taken, cancel the first recognizance, and commit the accused until a new recognizance is taken.

SEC. 6380. *Failure of accused to appear and forfeiture of recognizance.*—If the accused fail to appear at the term of the court to which he is recognized, his recognizance shall be forfeited; and if a verdict of guilty be rendered, and judgment entered thereon as hereinafter provided, the amount of such forfeited recognizance shall be applied in payment of the judgment.

SEC. 6381. *Accused to be permitted to defend.*—Before or upon the hearing of the complaint, the court in every case shall permit the accused to appear in person, or by counsel, and make defense.

SEC. 6382. *Trial in court.*—When the accused pleads not guilty of the charge, before the court to which he is recognized to appear, or having been recognized, fails to appear, the court shall order the issue to be tried by a jury, and at the trial of such issue, the examination before the justice shall be given in evidence by the complainant.

SEC. 6383. *Order of court when accused adjudged the reputed father.*—If the accused, in person or by counsel, confess in court that the accusation is true, or if, upon the trial, the jury find him guilty, he shall be adjudged the reputed father of the bastard child and shall stand charged with the maintenance thereof in such sum as the court shall order and direct, with the payment of costs of prosecution; the court shall require the reputed father to give security to perform such order; and in case he neglect or refuse to give such security and pay the costs of prosecution, he shall be committed to the jail of the county, there to remain except as provided in the next section, until he complies with the order of the court.

SEC. 6384. *When putative father entitled to benefits of provisions of law relating to insolvent debtors.*—Such putative father, after having been confined in such jail for the period of three months for failing to comply with the order of the court provided for in the last section, shall be entitled to the benefits of the provisions of law relating to insolvent debtors in the same manner as persons imprisoned for debt; but before such putative father shall receive, or be entitled to such benefits, he shall give at least three days' notice to the complainant or her attorney of his intention to apply therefor.

SEC. 6385. *Effect of death of mother, if child living.*—The death of the mother shall not abate the prosecution if the child is living, but a suggestion of the fact shall be made, and the name of the child substituted upon the record for that of the mother, and a guardian ad litem appointed, who shall not be liable for costs; and in such case the testimony of the mother, reduced to writing before the justice, may be read in evidence.

SEC. 6386. *Effect of death of child upon prosecution, if mother be living.*—The death of a bastard child shall not be cause of abatement, or bar to a prosecution for bastardy, if the mother be living; but the court trying the cause shall, on conviction, take the death into consideration, and give judgment for such sum as it deems just, the payment of which, or security therefor, may be enforced as above provided.

SEC. 6387. *Upon death of child after judgment, court may modify amount.*—Upon the death of a bastard child after judgment, and before the expiration of the time limited for the last payment on the judgment, the court which rendered the judgment may, on motion and notice, make such reduction in the amount of the same as is proper and just in consequence of such death.



SEC. 6388. *Proceedings on failure of officer to arrest accused.*—When it appears from the return of the officer upon the warrant that the accused could not be arrested, the justice shall, upon demand, forthwith make a certified transcript of the proceedings had before him, including copies of the complaint and warrant with the return thereon, and deliver the same to the complainant, her agent or attorney.

SEC. 6389. *Order of attachment and grounds therefor.*—Upon the filing of the transcript mentioned in the preceding section, in the office of the clerk of the district court of the county in which the justice resides, an order of attachment shall be issued by the clerk, when there is filed in his office an affidavit of the complainant, her agent or attorney showing:

First. That the complainant is the mother of a bastard child, or that she is pregnant with a child which, if born alive, will be a bastard;

Second. That the accused person is the father of such child;

Third. The existence of one or more of the following grounds:

1. That the accused is a nonresident of the State; or

2. Has absconded with the intent to defraud complainant; or,

3. Has left the county of his residence to avoid the service of a warrant,

4. So conceals himself that a warrant can not be served upon him.

SEC. 6390. *Proceedings under attachment same as in civil actions.*—The order of attachment shall issue without an undertaking. The amount of property seized thereon shall not exceed one thousand dollars in appraised value; and attachments under this chapter shall be subject to the provisions of law in this State relating to attachments in civil actions, and be governed in all respects thereby.

SEC. 6391. *Service by publication.*—Upon the return of the order of attachment, service may be had by publication, for four consecutive weeks, in some newspaper of general circulation in the county wherein the cause is pending, of a notice of pendency of the proceeding, stating the object thereof, the substance of the complaint, and that an order of attachment has been issued and served therein; and in such case copies of the complaint and order of attachment, with the return thereon, shall forthwith be deposited in the post office, directed to the accused at his place of residence, unless it be made to appear to the court, by affidavit or otherwise, that such residence is unknown to the complainant, and could not, with reasonable diligence, be ascertained by her. The cause may be heard or determined at any time after the completion of service by publication.

SEC. 6392. *Order of the court with respect to attached property.*—If, upon such trial, the accused be adjudged to be the reputed father of the child, the court shall order that unless the defendant, within a day to be fixed by the court, pay the sum adjudged against him, with costs of prosecution, so much of the property remaining in the hands of the officer, after applying the money arising from the sale of perishable property, and so much of the personal property, and lands and tenements, if any, as may be necessary to satisfy such order be sold under the same restrictions and regulations as if the same had been levied on by execution. The money arising therefrom, with the amount that may be recovered from the garnishee, shall be subject to the order and control of the court, and be applied to satisfy such order in such sums and at such times as the court may order and direct; if there be not enough to satisfy the same, the order of the court shall stand, and execution may issue thereon for the residue, in all respects as in judgments at law; and any surplus of attached property, or its proceeds, shall be returned to the defendant.

SEC. 6393. *County commissioners may prosecute suit.*—If a woman have a bastard child, and neglects to bring a suit for its maintenance, or commences a suit and fails to prosecute it to final judgment, the county commissioners of the county interested in the support of such bastard child may, when sufficient security is not offered to save such county from expense, make complaint on behalf of such county, against him who is accused of begetting such child, or may take up and prosecute a complaint begun by the mother of such child.

SEC. 6394. *County commissioners may recover on bond given in bastardy proceedings.*—The county commissioners of the county in which a bastard child becomes a charge may sue and recover on any bond given to the people of the State of Wyoming in any proceeding against the reputed father of such bastard child; and the provisions of this chapter, and all the remedies herein allowed shall apply to all cases in which the county commissioners are authorized to commence or prosecute a complaint against the reputed father of an illegitimate child.

NOTE ON BIRTH REGISTRATION.—United States Bureau of Census standard form. (Sec. 2957.)

NOTE ON INCESTUOUS MARRIAGES.—Law applies to illegitimate relationship. (Sec. 3917.)

SEC. 1738. With the declaration of legitimation the mother loses the right and the duty to care for the person of the child. If she is bound to support the child, that right and duty again come into force when the parental power of the father terminates or when it is suspended on account of his incapacity, or according to section 1677. (The parental power of the father is suspended if the public guardians' court finds that the father is de facto prevented from exercising his parental power for a considerable time. The suspension ends when the public guardians' court decrees that the reason for suspension no longer exists.)

SEC. 1739. The father is bound to support the child and its descendants before the mother and the maternal relatives are bound to do so.

SEC. 1740. If the father desires to marry while he has the parental power over the child the provisions of sections 1669 to 1671 apply. (Secs. 1669 to 1671 state in substance that the father intending to remarry must notify the public guardians' court and must bring about a division of property.)

#### LEGISLATION ENACTED BETWEEN 1914 AND 1918, BOTH INCLUSIVE.

Law of August 4, 1914, on separation allowances (Reichs-Gesetzblatt, 1914, p. 332):

The above law amends that of February 28, 1888, and, among other measures, extends the separation allowances to the soldier's illegitimate children when his obligation as father to provide support has been proved.

Imperial order of March 19, 1915, on separation allowances to families of soldiers of the reserve and landsturm serving in the colonies (Reichs-Gesetzblatt, 1915, p. 187):

The allowances are paid not only to the wife and legitimate children but also to illegitimate children when the soldier's obligation as father to support the children has been proved.

Order by Federal Council of April 23, 1915, on the extension of maternity benefits for the time of the war (Reichs-Gesetzblatt, 1915, p. 257):

Section 3 states: The maternity benefit prescribed by the order of the above date is paid also for an illegitimate child of a war participant of the categories mentioned in section 1 (serving in this war in the army or sanitary or similar service, or persons who served so and were prevented from the continuation of such service or resumption of gainful employment by death, wounds, sickness, or by becoming a war prisoner) when that child is receiving the separation allowance according to section 2, paragraph 1c, of the law of February 28, 1888, as amended by the law of August 4, 1914 (illegitimate child is receiving the separation allowance when the soldier's obligation as father to support the child has been proved).

Order of September 9, 1915, on simplification of court procedure (Reichs-Gesetzblatt, 1915, p. 562):

Section 28 of the order states that in case an illegitimate child applies for support from its father, the evidence prescribed in section 118, paragraph 2, of the code of civil procedure<sup>1</sup> is not necessary for the granting of poor relief.

Order by Federal Council of January 21, 1916, on separation allowances to families of soldiers (Reichs-Gesetzblatt, 1916, p. 55):

Besides the families of the persons mentioned in the earlier laws, this order extends also, in case of need, the war-time separation allowances to the families of (1) soldiers who during the war were in the regular military service required by law; (2) those who volunteered for the duration of the war; and (3) German subjects who at the outbreak of the war resided abroad and were prevented by the war from returning home.

Among the persons to whom the provisions of this order apply are illegitimate children of the wife brought by her into the marriage, even when the husband is not the father.

Order by Federal Council of March 1, 1917, on sickness and maternity benefits during the war (Reichs-Gesetzblatt, 1917, p. 200):

Part III of the order is as follows: The maternity benefit provided by section 3 of the order of April 23, 1915,<sup>2</sup> is also to be paid for an illegitimate child of a soldier who reenlists after having served his time, when his obligation to support the child has been proved and the mother is a woman of small means in the meaning of section 2, paragraph 2, of that order (when the total income left to her upon her husband's death or entrance into the service is not over 1,500 marks and for each child under 15 years old consists of another 250 marks).

<sup>1</sup> Prescribes the manner of proving that the applicant is a person of small means.

<sup>2</sup> See above.

Order by Federal Council of July 6, 1917, on maternity benefits in connection with the national auxiliary service (Reichs-Gesetzblatt, 1917, p. 591):

Section 2 of the order provides maternity benefits for women not receiving such benefits under the orders of December 3, 1914, January 28 and April 23, 1915, if their husbands are pursuing any of the occupations mentioned in section 1 of the national auxiliary service law, if the economic situation of the husband has been shown to have become worse because of his participation in the auxiliary service, and if there is need of assistance.

Section 4 states that the maternity benefit is also to be granted for the illegitimate child of a man in the national auxiliary service when his obligation to provide support has been proved and when the conditions of section 2 are present.

Order by Federal Council of November 22, 1917, amending the provisions concerning sickness insurance and maternity benefits during the war (Reichs-Gesetzblatt, 1917, p. 1085):

Section 4 deals with illegitimate children, and is as follows: In the case of an illegitimate child the claim for maternity benefit according to section 3 of the order of April 23, 1915,<sup>1</sup> is valid even when the separation allowance provided by section 2, paragraph 1c, of the law of August 4, 1915, is not granted, but when the war participant's obligation to support the child has been proved and the mother is a woman of small means.

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<sup>1</sup> See p. 252.

## SWITZERLAND.<sup>1</sup>

### PROVISIONS OF THE CIVIL CODE.

#### LEGITIMATION.

SEC. 258.<sup>2</sup> If the parents of an illegitimate child intermarry, the child becomes by law legitimate.

SEC. 259. The parents are required at the time of, or immediately after the marriage, to report their common illegitimate children to the registrar of vital statistics of their place of residence or of the place of marriage.

The omission of such report does not affect the legitimacy of the children.

SEC. 260. If the parents of the child have promised marriage to each other and marriage has become impossible by the death or the incapacity of one of the parties, the judge must, upon the demand of the other party or of the child, pronounce a declaration of legitimation.

If the child is of age the other party can make the request only with the consent of the child. After the death of the child his descendants may demand the declaration of legitimation.

SEC. 262. The next of kin of the parents who would be entitled to inherit from them and the competent authority of the canton where the father resides may, within three months from the time they learned of the legitimation, contest the declaration of legitimation by proving that the child is not the issue of the alleged parents.

SEC. 263. By the declaration of legitimation the illegitimate child and his legitimate descendants are made equal to legitimate relatives in their relation to the father and the mother and their relatives. The fact of legitimation is communicated to the registrar of vital statistics of the place of the child's birth and of the places of the father's and mother's birth.

#### THE STATUS OF AN ILLEGITIMATE CHILD.

SEC. 302. The relation of illegitimacy arises between the mother and the child at the birth of the child.

Between the child and the father it is established by recognition or by judicial decree.

SEC. 303. The recognition of an illegitimate child may be made by the father, or if he is dead or permanently incompetent, by the paternal grandfather.

It is made in the form of a public document or by testamentary disposition, and must be communicated to the registrar of vital statistics of the place of residence of the party making the recognition.

SEC. 304. The recognition of a child born in consequence of adulterous or incestuous intercourse is forbidden.

SEC. 305. The mother, the child, and after the death of the latter his descendants, may protest to the vital statistics registration office against the recognition, within three months after they had been notified of it, by contending that the recognizing party is not the father or the grandfather, or that the recognition will prejudice the interests of the child.

The registrar of vital statistics must notify of this protest the party who made the recognition or his heir, whereupon within three months action may be brought before the proper vital statistics registration office for the setting aside of the protest.

SEC. 306. The competent authority of the home canton of the father, or anyone who has an interest, may within three months after they have been notified, contest the recognition by proving that the party recognizing is not the father or the grandfather of the child or that recognition is prohibited.

SEC. 307. The mother of an illegitimate child is entitled to demand that the paternity be judicially established.

SEC. 308. The action may be brought before or after the birth of the child, but must be brought before the expiration of one year from the birth of the child.

SEC. 309. The action for paternity demands payments on the part of the father for the maintenance of the mother and the child, and also, when the conditions prescribed by law are satisfied, the declaration of the status of the child as that of a child of the father.

<sup>1</sup> As in force on Dec. 31, 1918.

<sup>2</sup> This and the other sections refer to the Civil Code unless otherwise stated. Edition used *Schweizerisches Zivilgesetzbuch* vom 10 Dezember 1907, Verlag A. Francke, Bern, 1908.

The payments to the mother may also be demanded when the child has been recognized by the father, or when it is stillborn, or when it has died before the judgment.

When the child obtains the status of a child of the father, the performance of the parental duty takes the place of the payments for maintenance.

SEC. 310. The procedure in paternity actions is determined by the cantonal law of procedure subject to the provisions of this code.

However, the Cantons may not establish rules of evidence stricter than those of the ordinary process procedure.

SEC. 311. As soon as the guardianship authorities have received notice of the illegitimate birth, or the mother has made a declaration of her illegitimate pregnancy, a trustee is appointed for the child to take care of its interests. The trustee after termination of the action or after the expiration of the time to sue, is replaced by a guardian unless the guardianship authority deems it proper to place the child under the parental power of the father or the mother.

SEC. 312. The paternity action is brought before the judge of the Swiss residence of the complainant at the time of the birth or of the residence of the respondent at the time of action.

If the action demands declaration of paternity, notice thereof must be officially sent to the commune where the father resides in order that the commune may protect its interests.

SEC. 313. If the father is a Swiss citizen and lives abroad, and if mother and child likewise live abroad, the action may be brought in the place of the father's residence.

SEC. 314. If it can be proved that the defendant has cohabited with the mother in the time from the three hundredth to the one hundred and eightieth day prior to the birth of the child, the paternity is presumed.

The presumption does not take place if facts are proved which justify a material doubt regarding his paternity.

SEC. 315. If the mother at the time of the conception has lived an immoral life, the action must be dismissed.

SEC. 316. If the mother at the time of the conception is married, the paternity action can be brought only after the child has been judicially declared illegitimate.

In the latter case the time for bringing the action begins to run on the day when the child has been declared illegitimate.

SEC. 317. If the action is well founded the judge must award damages to the mother (1) for the cost of confinement; (2) for the support for at least four weeks before and four weeks after the birth; (3) for other expenses incurred in consequence of pregnancy and confinement.

SEC. 318. If the father has promised marriage to the mother before cohabiting, or has been guilty of a crime against her in cohabiting with her, or has abused an authority over her, or if she was under age at the time of cohabitation, the judge may award damages to her by way of satisfaction.

SEC. 319. If the action is well founded, the judge must award to the child support, the amount of which is determined in conformity to the position in life of the father and the mother, and which in any event must represent an adequate contribution to the cost of maintenance and education of the child.

The support must be paid to the completion of the eighteenth year of the child, payments to be made in advance for periods to be fixed by the judge.

The right of action of the child is not taken away by a compromise or renunciation on the part of the mother whereby the child is manifestly prejudiced in its claims.

SEC. 320. Upon petition of the plaintiff or defendant the court may alter the amount of the support if conditions have changed materially and may decree that the payment of support shall terminate at a time at which the child obtains an income adequate to his station in life.

SEC. 321. If the paternity is made probable and the mother is in need, the court may require the father before the judgment and without proof that the claim is imperilled, to give security for the probable cost of confinement and of the support of the child for the first three months.

SEC. 322. The claims survive against the heirs of the father.

The heirs need not pay the child any more than the child could have claimed as heir in case of recognition.

SEC. 323. The judge, on the petition of the plaintiff, may declare the status of the child to be that of a child of the father if the defendant has promised marriage to the mother or has been guilty of a crime against her by cohabiting with her or has abused his authority over her.

The child may not be given the status of a child of the father if the father is married and was married at the time of the cohabitation.

SEC. 324. If the child remains with the mother, it receives her family name and her residence, and obtains with regard to the mother and the maternal kin the rights and duties of illegitimate relationship. The obligations of the mother are the same as though the child were legitimate.

The guardianship authority may confer parental power on the mother.

SEC. 325. If the child has been voluntarily recognized, or if its paternity has been declared judicially, it receives the family name and the residence of the father, and obtains with regard to the paternal, as well as the maternal, kin the rights and duties of illegitimate relationship.

The father has to care for the child as though it were legitimate.

The guardianship authority may confer parental power either on the father or the mother.

SEC. 326. If an illegitimate child is placed under the power of the father, the mother has nevertheless the right of reasonable access to her child.

The guardianship authority upon the petition of the mother, or of its own motion, may award the parental power over the child up to a certain age to the mother and from then on to the father.

SEC. 327. If the guardianship authority places the child under the parental power of the father, or of the mother, it determines at the same time what rights the parent shall have over the property of the child.

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## APPENDIX

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## APPENDIX.

### ILLEGITIMACY LAWS ENACTED IN THE UNITED STATES DURING 1918.

#### LOUISIANA.

**NOTE ON BIRTH REGISTRATION.**—Certificate states whether legitimate or illegitimate. (Laws 1918, No. 257, sec. 14.)

**NOTE ON WORKMEN'S COMPENSATION LAW.**—The law applies to acknowledged illegitimate children. (Laws 1914, No. 20, sec. 8, as amended by Laws 1918, No. 38.)

#### MASSACHUSETTS.

Revised Laws 1902, ch. 155. Apprenticeship.

**NOTE.**—This chapter, constituting the apprenticeship law, is repealed by Laws 1918, ch. 257, sec. 402.

Laws 1912, ch. 562.

**SEC. 8.** If money is forfeited or recovered upon a recognizance or deposit in lieu thereof in proceedings under this act, the court in which such proceedings are pending may order such money paid to the probation officer and expended by him, under the direction of the court, for the support of the child. (As added by Laws 1918, ch. 199.)

Laws 1911, ch. 456.

**SEC. 5.** Before the trial, with the consent of the defendant, or at the trial, on entry of a plea of guilty, or after conviction, if the defendant is placed on probation or if his sentence is suspended and he is placed on probation under the provisions of section 1 of chapter 220 of the Revised Laws, and acts in amendment thereof, the court in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have power to make an order, which shall be subject to change by the court from time to time as circumstances may require, directing the defendant to pay a certain sum periodically, for a term not exceeding two years, to the probation officer, who shall pay over the same to the wife or to the guardian or custodian of the said minor child or children, or to the city, town, corporation or society supporting the wife or minor child or children, or to the treasurer of the commonwealth for the use of the State board of charity when the complaint is for neglect to provide for the support of the minor child or minor children who have been committed to the custody of said board; and the court shall also have power to release the defendant from custody on probation for the period so fixed, requiring in its discretion the defendant to enter into a recognizance, with or without surety, in such sum as the court or a judge thereof in vacation may order and approve. The condition of the recognizance shall be that if the defendant shall make his or her personal appearance in court, whenever ordered to do so, and shall comply with the terms of the order of support, or of any subsequent modification thereof, then the recognizance shall be void, but otherwise it shall be of full force and effect. Suit may be brought upon said recognizance by any person authorized by the court, and the proceeds of the suit shall be applied to the support of the wife or of the minor child or children as the court shall direct. (As amended by Laws 1918, ch. 257, sec. 453.)

**SEC. 6.** If the court be satisfied by information and due proof under oath that at any time during said period of probation the defendant has violated the terms of the order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, as the case may be. In case the defendant is admitted to bail pending the trial of the cause and the bail shall be forfeited, the money or sum recovered, and in case of the forfeiture of the recognizance and enforcement thereof by execution the sum

recovered may, in the discretion of the court, be paid in whole or in part to the probation officer, who shall pay over the same to the wife, or to the guardian or custodian of said minor child or children, or to the city, town, corporation, or society supporting the wife or minor child, or to the treasurer of the Commonwealth for the use of the State board of charity when the complaint is for neglect to provide for the support of a minor child or of minor children who have been committed to the custody of said board. (As amended by Laws 1918, ch. 257, sec. 454.)

### NEW JERSEY.

Compiled Statutes 1911, p. 2374, sec. 169, as amended by Laws 1913, ch. 63.

NOTE.—Subdivisions V to VII of section 169, as amended in 1913, relating to the right of inheritance of illegitimate children, are identically as presented on page 180 under the amendment made by chapter 47 of the Laws of 1914.

### PORTO RICO.

NOTE ON WORKMEN'S COMPENSATION LAW.—The law applies to illegitimate children. (Laws 1918, No. 10, sec. 3.)

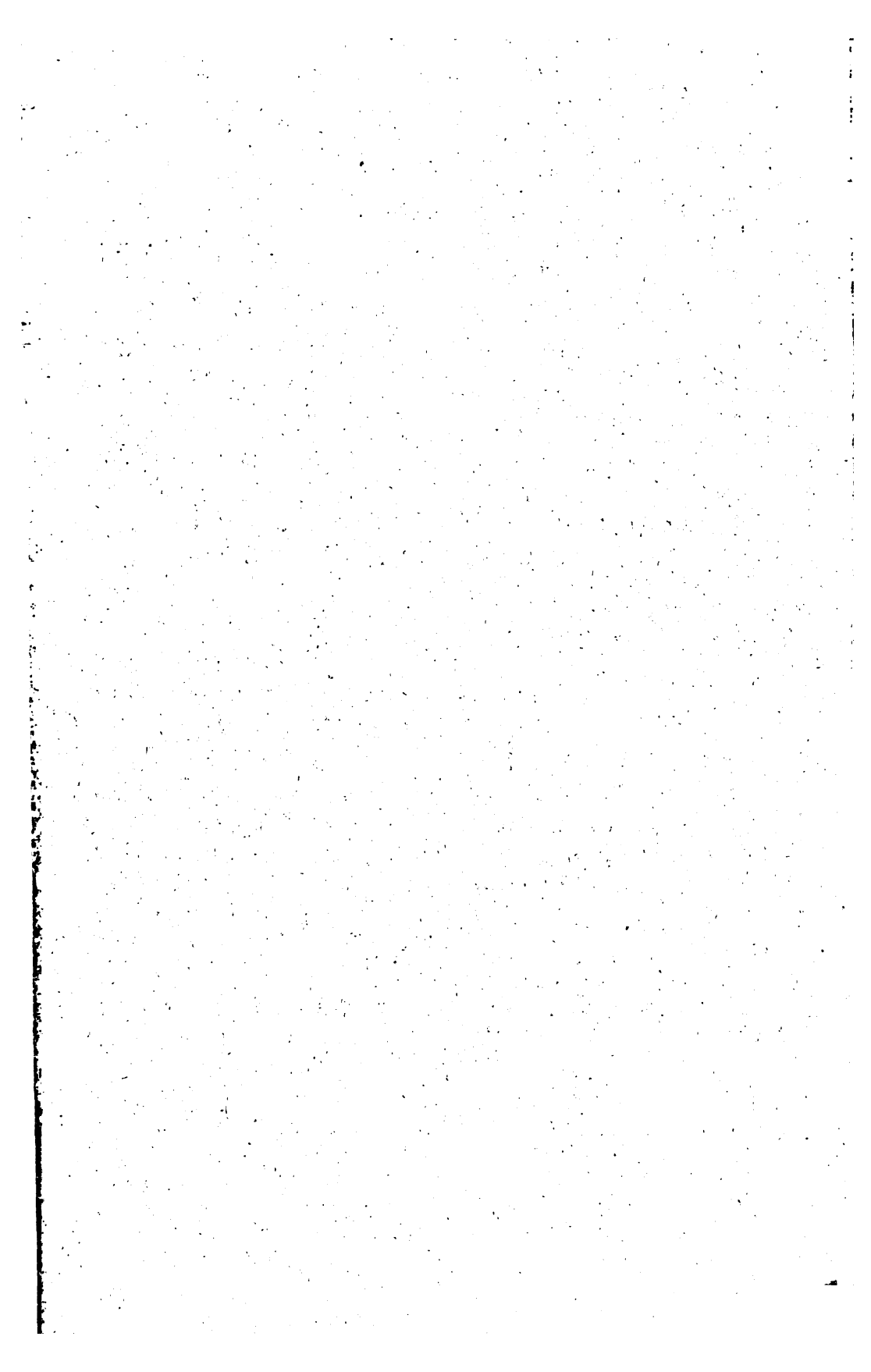
### VIRGINIA.

NOTE ON BIRTH REGISTRATION.—The State registrar may decline to issue a certified copy of the certificate of the birth or the death of an illegitimate child or to give any information concerning the same, except by order of court or upon the written request of the mother of the child, or other person responsible for it. (Laws 1912, ch. 181, sec. 20, as amended by Laws 1913, ch. 58.)

NOTE ON ABANDONMENT AND NONSUPPORT LAW.—The new law refers to a "male child under the age of sixteen years, female child under the age of seventeen years," but not to illegitimate children. (Laws 1918, ch. 416.)

NOTE ON WORKMEN'S COMPENSATION LAW.—Terms "child," "boy," and "girl," shall include acknowledged illegitimate children. (Laws 1918, ch. 400, sec. 40.)







U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, Chief



CHILDREN BEFORE THE COURTS  
IN CONNECTICUT

By

WM. B. BAILEY, Ph. D.

Professor of Practical Philanthropy in Yale University



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## LETTER OF TRANSMITTAL

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U. S. DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU,  
*Washington, D. C., April 23, 1918.*

SIR: I transmit herewith a bulletin entitled "Children before the Courts in Connecticut," by William B. Bailey, Ph. D., Professor of Practical Philanthropy in Yale University.

This study presents briefly the legislative progress of Connecticut in its dealings with children from the foundation of the colony in 1635 to the year 1917. It shows with remarkable clearness the gradual change in public opinion as to the responsibility of the child for his unlawful acts and the slowly gained amelioration of the laws. The 1917 act concerning juvenile offenders, although falling short in certain particulars of the generally accepted model standard of juvenile court laws, is a genuine advance, and, if faithfully and intelligently administered, affords a new protection to the children who come within its terms.

Prof. Bailey writes as follows regarding the preparation of the report: "In all this work I have had the hearty cooperation of all to whom I have applied for assistance. The number is so large that I can not mention them all even by name. I wish, however, to record my indebtedness in particular to Mr. Arthur J. Coyle, Mr. Clarence M. Thompson, Mr. Elmer K. Higdon, Mr. Edward C. Connolly, Miss Elsie C. Osborn, Miss Helen T. Barry, and Mrs. Wm. W. Gray, who have given generously of their time. Several students in the department of social service of the Yale School of Religion have been employed in this work."

Respectfully submitted.

JULIA C. LATHROP,  
*Chief.*

Hon. W. B. WILSON,  
*Secretary of Labor.*



# CHILDREN BEFORE THE COURTS IN CONNECTICUT.

## INTRODUCTION.

It is hoped that this report may throw some light upon the methods employed in the State of Connecticut to deal with the juvenile delinquent. It includes a brief résumé of the history of the legislation appertaining to juvenile delinquents, a study of the court procedure in their cases, an inquiry into the activities of the probation officers, a short review of the work of the institutions provided for this group of delinquents, and a detailed study of the cases of delinquent children convicted before the courts in New Haven, New Britain, and 10 other towns of the State.

The body of the material used in this report, except that of the historical summary, was obtained in 1914, 1915, and 1916 through interviews with public officials, through visits to courts and institutions, examination of court and other public records, including those of the Connecticut Prison Association, and through correspondence. The details given regarding the work of the courts were gathered before the act concerning juvenile offenders went into effect in 1917.

An intelligent discussion of juvenile delinquency demands a clear definition of the class to which the term applies. Here we must fall back not to the words of statutes themselves but to the fundamental principles of the English common law upon which they are grounded. We may consider that a delinquent is a person who violates the law, and both etymologically and in its legal sense the word is synonymous with criminal. The juvenile delinquent is, therefore, one under the age of legal majority who commits a crime of any sort, whether felony or misdemeanor.

But no matter how heinous the consequences of the act committed, it can not be called a crime at common law unless the perpetrator be over 7 years of age. A child under 7 years can not be punished for any offense because of the irrebuttable presumption that he is *doli incapax*. Between the ages of 7 and 14 the juvenile is presumed to be innocent and incapable of committing a crime, but that presumption may be rebutted if it appears to the jury that he can distinguish between right and wrong. Ability to distinguish between right and wrong is usually limited to the specific act committed. But in 92 Mass., 398, the court held that the plaintiff must prove general as

well as special capacity. Such ability is often implied as a matter of law if the act committed evinces arrant malice and wickedness—*malitia supplet aetatem*. "Children of 8, 10, and 13 years of age have been convicted of and executed for capital offenses, because they manifested a consciousness of guilt and mischievous discretion and cunning." Above the age of 14 all juveniles are presumed to be able to distinguish right from wrong, and are punishable equally with adults for their criminal acts.<sup>2</sup>

At the time the field work of this study was completed the Connecticut statute considered juveniles to be minors under 16 years of age.<sup>3</sup> This was a purely arbitrary division, but was generally accepted throughout the State, since the boys and girls under 16 were (and are) sent, respectively, to the Connecticut School for Boys and the Connecticut Industrial School for Girls. If 16 years of age and over they may be committed, respectively, to the Connecticut Reformatory for Men and to the Connecticut State Farm for Women, or the House of the Good Shepherd, or the Florence Crittenton Home. Since this distinction was so clean-cut in the statutes, all the tables for juvenile delinquents in this report refer to those under 16 years of age unless some specific reference to the contrary is made in the text. A discussion of institutions for older offenders is, however, included.

The 1917 legislation involving juveniles specifies the laws relative to chamber hearings, summons, and juvenile docket to be applicable to "children under 18 years of age."<sup>4</sup>

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<sup>1</sup> Swift's Dig. (Conn.), 1822, Vol. II, p. 361; 1 Hale, 20; 4 Bl. Com., 23.

<sup>2</sup> See P. A., 1672, p. 40; Sess. Acts, 1750-1753, p. 187.

<sup>3</sup> P. A., 1851, ch. 40, sec. 4.

<sup>4</sup> P. A., 1917, ch. 308, secs. 4, 5, 6.

## CHAPTER I. HISTORY OF LAWS RELATING TO JUVENILE DELINQUENCY.

Progressive amelioration in the treatment of juvenile delinquents in Connecticut is marked by three well-defined epochs: (1) The Colonial and Revolutionary period, beginning with the foundation of the colony in 1635 and continuing down to the abolition of medieval methods of punishment, such as the stocks, the pillory, flogging, and branding. The purpose of punishment during this period was wholly punitive, the primary aim being revengeful retribution upon those who broke the peace of society. (2) The second period is one of transition, extending from 1816 to 1851, when the statute establishing the first juvenile reformatory in the State was enacted. The State reform-school act was passed in 1851,<sup>1</sup> and the school was opened March 1, 1854. Its name was not changed to Connecticut School for Boys until 1893.<sup>2</sup> During the first part of this period the predominant motive was the protection of society; toward the close of the period this verged to the higher plane of reformation of the juvenile offender. (3) The third, or modern, period dates from 1851 to the present time, the actuating motive in the treatment of minor delinquents being reformatory and preventive. The foregoing divisions are not absolute but are merely useful in indicating the prevailing tendencies during the given epochs. For instance, the founding of the State prison at Wethersfield in 1827 was the seed of a new order, which gradually ripened into fruition with the establishment of a separate institution for the reformation of delinquent boys more than two decades later.

It should be borne in mind that a history of the development of laws dealing with juvenile delinquency must include many facts besides those pertaining to children of the ages which Connecticut now classes as juveniles, and that to some extent it is necessary also to trace the change of attitude regarding the treatment of offenders of all ages.

### THE COLONIAL AND REVOLUTIONARY PERIOD, 1635-1816.

In 1635, urged by Thomas Hooker, the apostle of a free church and a free State, a little band of "emigrants for the faith" left Massachusetts and settled on the banks of the Connecticut River near what is now Hartford. Hooker himself, with his wife and more settlers,

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<sup>1</sup> See R. S., 1854, pp. 362-366.

<sup>2</sup> P. A., 1893, ch. 92.

joined this original group in the spring of 1636. In April of that same year the general court of the mother colony empowered Robert Ludlow and seven assistants to constitute themselves a general court for the government of the settlers along "the Connecticut River." In December, 1642, the court laid down several "capital laws," which in 1650 were compiled into a code.

This code was revised in 1672 and printed in the next year. The revision contained the two following provisions from the original code:

If any Child or Children above sixteen years old, and of sufficient understanding, shall Curse or Smite their natural Father or Mother, he or they shall be put to death, unless it can be sufficiently testified, that the Parents have been very unchristianly negligent in the education of such Children, or so provoked them by extreme and cruel correction that they have been forced thereunto to preserve themselves from death or maiming. Exod. 21<sup>17</sup>. Levit. 20<sup>9</sup>. Exod. 21<sup>15</sup>. (Gen. Laws 1672, p. 9, sec. 14.)

If any man have a stubborn or rebellious Son of sufficient understanding and years, *viz. 16 years of age*, which will not obey the voice of his Father, or the voice of Mother, and that when they have chastened him he will not hearken unto them; then may his Father or Mother, being his natural Parents, lay hold on him and bring him to the magistrates assembled in court, and testify unto them, that their Son is Stubborn and Rebellious and will not obey their voice and chastisement, but lives in sundry notorious Crimes, such Son shall be put to death. Deut. 21<sup>20</sup>, <sup>21</sup>. (Supra, sec. 15.)

It was further provided in this same section that a girl over 14 convicted of incest or a boy over 15 found guilty of sodomy should be put to death. Other capital crimes for which children over 14 years old were equally liable with adults were rape, bestiality, blasphemy,<sup>1</sup> witchcraft, murder, false witness, treason, arson, idolatry, and man stealing. It must be remembered that these laws were not passed to meet possible exigencies, but that the penalties were actually enforced.

By the time of the compilation of the session laws in 1750, the rigors of these "Blue Laws" had somewhat abated. While the death penalty was still preserved against minors who committed felonies for which adults were also punishable by death, it had been abolished against "children who shall curse or smite their natural father or mother" and "stubborn and rebellious children." Penalties for other crimes were also mitigated. For instance, in 1672 the punishment for an incestuous marriage or cohabitation within certain limits was death, while in 1750 the penalties inflicted on both parties were: (1) That they stand on the gallows with a halter

<sup>1</sup> Perhaps no crime so well illustrates the changing concepts of legal morality as does blasphemy. Punished by death under the law of 1672, the penalty was changed in the acts of 1784 (p. 67) to "whipping on the naked body not exceeding 40 stripes, and sitting on the pillory one hour, and \* \* \* bound to good behavior." A generation later the penalty was fixed at one year's imprisonment and a fine not exceeding \$100. (It. S., 1824, p. 183.)

about the neck for one hour; (2) that "on the way thence to the county jail they shall be severely whipped, not exceeding 40 stripes each"; (3) that they suffer imprisonment; and (4) wear the letter I—of different color from their clothing and at least 2 inches long—on the arm or back of their outside coats.

Although, in general, there was a relaxation in the severity of laws in later codes during the Colonial and Revolutionary period, treason formed an exception. During the Revolution it was but natural that the laws in regard to this crime should have become more stringent. Indeed, the Revolution had not progressed six months before Connecticut had imposed the death penalty upon anyone who "aided or assisted in any manner the enemies of this State or of the United States of America." To the large number of boys in the Continental Army this grim prohibition was not without its application.

Lying was a penal offense before there was any thought of punishment for perjury. The statutes of 1672 provided that any person of 14 years or over "who shall wittingly and willingly make, or publish any lie" should for the first offense be fined 10 shillings, "or \* \* \* sit in the Stocks \* \* \* not exceeding Three Hours"; for the second offense, "Twenty Shillings, or be whipped on the naked body not exceeding Ten Stripes"; for the third offense, 40 shillings or 30 stripes, and additional offenses were recompensed with a graduated system of stripes and fines. "And for all such as being under age of discretion (fourteen years) that shall offend in lying, their Parents or Masters shall give them due correction, and that in the presence of some Officer."

By the time of the revision of 1702<sup>1</sup> perjury had become well defined and was punished more severely than ordinary lying. Any person over 14 years who was convicted of this offense was required to pay a fine of 20 pounds and also serve "Six months, without Bail, or Main-prize," and if unable to pay such fine, to be "set on the Pillory by the space of One whole Hour, \* \* \* and have both his Ears Nailed."<sup>2</sup>

Whoever stole money, goods, or chattels "of the value of 5 shillings and under the sum of 20 shillings" value and who should refuse or was unable to pay treble the value of such goods and an additional fine imposed by the court, upon conviction or confession was "punished by whipping on the naked body not exceeding Ten Stripes, any Law, Usage or Custom to the contrary in any wise notwithstanding."<sup>3</sup>

<sup>1</sup> R. S., 1702, p. 92.

<sup>2</sup> Sess. Acts, 1750-1773, p. 187.

<sup>3</sup> R. S., 1715, p. 11; R. S., 1750, p. 237; P. A., 1770, ch. 581.

A more severe penalty was imposed for horse stealing, which then—as now on the plains—was considered a much more serious offense than other thefts:

Whoever shall steal any horse within this Colony and be thereof duly convicted shall pay and satisfy to the owner of such horse the value thereof, and also pay as a fine to the Colony Treasury the sum of ten pounds, and be further punished by being publickly whipped on the naked body not exceeding fifteen stripes, and be confined in a work-house or house of correction, not exceeding 3 months; there to be kept at hard labor, and be further whipped on the first Monday of each month, not exceeding ten stripes each time.<sup>1</sup>

If the culprit was unable to satisfy fully the damages and fine, he was to be bound out in service so long as the court adjudged proper, either to the person injured, his assigns, or “to any of His Majesty’s subjects.”

The laws prohibiting “Sabbath breaking” probably weighed heavily on many a red-blooded, irrepressible boy. The revision of 1702 contained a prohibition that seems to have been expressly aimed with malice aforethought against the small boy on a hot Sunday afternoon:

No person \* \* \* shall swim in the water in the evening preceding the Lord’s Day, or any part of the said day, or the evening following \* \* \* nor use any game, sport, play or recreation on the Lord’s Day, or any part thereof.

And all masters and governors of families are hereby required to take effectual care that their children and servants do not transgress in any of the foregoing particulars \* \* \* Penalty 10 shillings.<sup>2</sup>

An act of 1721 (p. 262) makes illegal:

Any rude and unlawful Behavior on the Lord’s Day, either in word or action by clamorous Discourse, or by Shouting, Hollowing, Screaming, Running, Riding, Dancing, Jumping, Winding Horns, or the like, \* \* \* so near to any Public Meeting House, for Divine Worship that those who meet there may be disturbed by any such rude and profane Behavior.

The penalty was fixed at 40 shillings for a violation of this statute.

By 1750 the rigors of the law had so far abated that children under 14 years of age convicted of Sabbath breaking were punishable merely by their parents, guardians, or masters “giving them due Correction in the Presence of some Officer,”<sup>3</sup> and by 1808 the law had waxed so soft that the parent who refused so to chasten his offspring was subject to a fine of only 50 cents.

There was enacted in 1709 “An Act to Prevent Unseasonable Meeting of Young People in the Evening after the Sabbath, and on any Public Day or Fast or Any Lecture Day, except for Purposes of

<sup>1</sup> P. A., 1772, p. 234; Colonial Rec. of Conn., vol. 14, p. 4.

<sup>2</sup> Revision of 1702, p. 104.

<sup>3</sup> Revision of 1750, p. 142; see also Rev. St., 1795, p. 370.



Worship," the penalty being fixed at 5 shillings, or "to be set in the Stocks not exceeding Two hours."<sup>1</sup>

It hardly needs to be stated that minors were not allowed to frequent public houses and taverns on a Sunday or a fast day or a lecture day.<sup>2</sup>

This first published colonial statute book contains an "Act against Contemning the Preaching of the Word of God,"<sup>3</sup> which was equally binding upon both children and adults:

If any \* \* \* contemptuously behave himself towards the Word preached, or the Messengers thereof \* \* \* or like a Son of Korah casts upon his true Doctrine or Himself, any reproach \* \* \* shall (whatsoever censure the church may pass) for the first scandall be convented and reprov'd openly by the Magistrate in some publick Assembly, and bound to their good behavior. And if a Second time they break forth into like contemptuous carriages, they shall either pay five pounds to the publick, or stand two hours openly upon a block or stool four feet high upon a publick meeting day, with a paper fixed on his Breast written with Capital Letters, AN OPEN AND OBSTINATE CONTEMNER OF GOD'S HOLY ORDINANCES, that others may fear and be ashamed of breaking out into the like wickedness.

Any person over 14 who aided or assisted in the making of counterfeit money, or who passed off the same knowing it to be such, was punished upon conviction as follows:

\* \* \* his right ear cut off, be branded in the forehead with the letter C, on a hot Iron, be whipped on the naked body twenty stripes, be imprisoned six months in the common Gaol in the county where such person shall be convicted, without ball or main-prize, and there kept to hard labour, \* \* \* and be fined at the discretion of the court, and pay costs of prosecution. And if such offender or offenders shall not be able to pay such fine and costs of prosecution, said Superior Court is hereby authorized and fully empowered to assign such person or persons in service for satisfying the same after the expiration of said six months imprisonment.<sup>4</sup>

A less serious misdemeanor was gaming. Every member of a family playing at "Cards, Dice, or Tables, (shuffle boards) \* \* \* shall pay for every offense twenty shillings \* \* \* and the head of the Family where any such Game is used, with his privity or consent, shall pay in like manner twenty shillings for each time such Game is played in his house."<sup>5</sup> The reason for such enactment was stated in the title: "Whereby, much precious time is spent unfruitfully, and much waste of Wine and Beer occasioned."

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<sup>1</sup> P. A., 1709, p. 149.

<sup>2</sup> P. A., 1712, p. 175.

<sup>3</sup> Revision of 1672, p. 22.

<sup>4</sup> P. A., 1770, p. 355; Colonial Rec. of Conn., vol. 13, pp. 363-364.

<sup>5</sup> Revision of 1672, p. 27.

Few words in juristic usage have suffered more from bad associations than has "nightwalking." The offense was primarily confined almost wholly to minors, as the following statute of 1672 indicates:

If any persons, young or old within this Colony that *are under Parents, or Masters' Government*, shall convene or meet together, or be entertained in any House without the consent or approbation of their Parents or Governours, after the shutting in of the Evening, \* \* \* Or if any persons shall be discovered to meet together and to associate themselves with their Companions abroad in the Streets or Fields after the time aforesaid, the persons that are lawfully convicted to be guilty hereof, shall pay *Ten Shillings* per person, for every such transgression, and the head of that Family that entertains them, or tolerates them in their house, shall forfeit Ten Shillings, \* \* \* and in case any be unable to pay their Fine, the Constable is hereby required to set such in the Stocks there to continue one hour at least \* \* \*<sup>1</sup>

The act of 1672 prohibiting the entertainment of young people "after the shutting in of the evening" evidently did not fit all needful contingencies, so in 1702 "An Act concerning Young People" was passed which provided:

Whereas, it is observed, That Young persons getting from under the Government of Parents and Masters, before they are able to govern themselves, hath been an occasion of many Evils and Inconveniences \* \* \*

It is ordered that \* \* \* no Master of a Family, or other House-keeper, shall give Entertainment or Habitation to any single person, \* \* \* but by the allowance of the Selectmen of the Town where he dwells, under the penalty of twenty shillings per Week, for every Week's Entertainment.

And that all such \* \* \* Young persons, that do live in any Family \* \* \* shall carefully attend the Worship of God in those Families where they Reside, and be subject to the Domestic Government of the same, upon penalty of forfeiting Five Shillings, for every breach of this Act.<sup>2</sup>

The Connecticut statute book of 1672 contained one other provision regarding the care and behavior of children which was destined to prove more enduring than the rest, and which is reflected in the compulsory education and "morally imperiled children" provisions of present-day legislation: "Selectmen \* \* \* shall have a vigilant eye over their Brethren and Neighbors, to see that none of them shall suffer so much Barbarism in any of their Families" as not to teach their children and servants the English language and especially the Bible; "All Masters of Families do once a week at least, Catechise their Children and Servants in the Grounds and Principles of Religion;" and such children and servants might be questioned by any selectman to ascertain whether they had learned their "orthodox catechism without book."

"And if any of the selectmen, after Admonition by them given to such Masters of Families, shall find them still negligent of their duties in the particulars aforementioned, whereby Children and

<sup>1</sup> G. S., 1672, p. 40.

<sup>2</sup> Revision of 1702, p. 59; Revision of 1715, p. 60.

Servants grow rude, stubborn, and unruly, the said selectmen, with the help of two Magistrates shall take such Children and Apprentices from them and place them with some Masters for years, Boys till they come to 21, and Girls 18 of age compleat, which will more strictly look unto and force them to submit unto Government, according to the Rules of this Order." (R. S. 1672, p. 13.) This act was copied literally from the Massachusetts act of 1642, and indicates the strong similarity of conditions, population, and point of view in the two colonies.

In passing, it is to be noted that the early laws did not permit delinquents to have advocates, and those who endeavored to defend them were subject to fine.<sup>1</sup> Moreover, all persons committed to the county jails—

\* \* \* shall bear their own reasonable Charge for conveying or sending them to the said Gaol; and also the Charge of such as shall be appointed to Guard them thither; and also of their Support while in Gaol, \* \* \* and the Estate of such Person shall be subjected to the Payment of such Charge; And for want of Estate, they may be disposed of in Service to answer the same.<sup>2</sup>

The revision of 1835 extended this statute to apply to those committed to the State prison at Wethersfield also.

#### ORIGIN AND DEVELOPMENT OF COUNTY JAILS, WORKHOUSES, AND STATE PRISON.

In considering the treatment of juvenile offenders during the Colonial and Revolutionary period little has been said regarding the punishments imposed in institutions for delinquents, and almost nothing concerning the origin of these institutions. Inasmuch as the confinement of minor delinquents in institutions for purposes of punishment and reformation becomes increasingly important as we progress from the early period to the transitional and modern epochs, it is worth while to ascertain the history of these institutions and the functions they were supposed to discharge.

In 1667 the only prison in the State was situated in the county of Hartford. The general court at the May session of that year ordered "ye several countys speedily to provide and mayntaine in ye County Town of each County, a prison or house of correction."<sup>3</sup> Later it was amended to read:

\* \* \* And there shall be two such common Gaols in each of the several Counties of New London, Fairfield, and Middlesex; to wit, one in each of the Towns of New London, Norwich, Fairfield, Danbury, Middletown, and Haddam.<sup>4</sup>

<sup>1</sup> Revision of 1672, p. 19.

<sup>2</sup> Session State, 1750-1753, p. 62. By a provision of the Code of 1672 (p. 19) delinquents were compelled to pay "to the Master of the Prison, or House of Correction, six shillings, eight pence, before he be freed therefrom."

<sup>3</sup> Connecticut Colony Public Records, Vol. II, p. 61.

<sup>4</sup> R. S., 1795, p. 220.

The last of these jails was not built until 1785. In the meanwhile the statutory revision of 1702 constituted the jails in the several counties houses of correction,<sup>1</sup> and 11 years later another act specifically designates the county jails as "House of Correction for the Reception of such persons who being Convict of any manner of Reviling and Prophane Speaking or Misbehavior,"<sup>2</sup> and those so received were to be greeted by whipping on the naked back, 15 stripes.

The public acts of 1753 directed each county to erect a house of correction in addition to its jail, and contained regulations for their government, but in 1824 no houses of correction had been erected by any county.<sup>3</sup>

The legislature from time to time authorized particular towns to erect workhouses, and in 1813 gave the same power to every town. A typical specimen of these town workhouses is that established by statute of 1727 at Hartford<sup>4</sup> for the detention of "Rogues, Vagabonds and Idle Persons, \* \* \* Common Pipers, Fidlers, Runaways, Stubborn Servants or Children, Common Drunkards, Common Night-walkers, Pilferers, Wanton and Lascivious Persons, either in Speech or Behaviour, Common Railers or Brawlers, such as neglect their callings, misspend what they Earn, and do not provide for themselves or the Support of their Families." The punishments to be meted out are prescribed by the statute:

The master of the said House shall have full power and authority, and shall set all such persons \* \* \* to work and labor, \* \* \* and to punish them by putting fetters or shackles upon them, and by moderate whipping, not exceeding ten stripes at once, which (unless the warrant of committment shall otherwise direct) shall be inflicted at their first coming in, and from time to time in case they be stubborn, disorderly, or idle, and do not perform their tasks, \* \* \* or to abridge them of their food, \* \* \* until they be reduced to better order.

These "houses of correction" were evidently identical with the English workhouses. Indeed, the names are often interchanged in the same act. That they exerted a wholesome influence upon "rogues, sturdy beggars and vagabonds" none will deny; but it is seriously to be questioned whether they did not do much more harm than good to "stubborn and rebellious children." The general character and reputation of these houses of correction is indicated by an act of 1753, which provides that no person convicted of theft for the first time

<sup>1</sup> Note to statute on workhouses, in Revision of 1824, p. 438.

<sup>2</sup> P. A., 1713, p. 187.

<sup>3</sup> Note to statute on workhouses, revision of 1824, p. 438. The law directing counties to build houses of correction in addition to their jails was reenacted in 1753 (Statutes, p. 209), but apparently without any effect. The session statutes of 1784-1793 (p. 210) provide that "The several jails in the respective counties are hereby made to be Work-Houses or Houses of Correction until there shall be such House or Houses of Correction built as aforesaid."

<sup>4</sup> Conn. Stat. I, Geo. II, p. 543.

shall be sent to a workhouse or house of correction unless he "be of the age of twenty-one years, or upwards, \* \* \* anything in the aforesaid Act, or Acts contained notwithstanding,"<sup>1</sup> but that instead such thieves shall be fined and flogged with 10 stripes.

In 1773 there was enacted "An Act for Constituting, Regulating, and Governing a Public Gaol or Work House, in the Copper Mines in Symsbury, and for the Punishment of certain atrocious Crimes and Felonies," which provided that—

The subterraneous Caverns and Buildings in the Copper Mines in Symsbury, \* \* \* with such other Buildings as may hereafter be erected and made in said Caverns, or on the Surface of the Earth, at or near the Mouth of the same, shall be and they are hereby constituted and made a public Gaol and Work-House, for the Use of this Colony, and shall be called and named Newgate Prison.<sup>2</sup>

Referring to this subterranean prison, E. C. Wines<sup>3</sup> says:

For more than fifty years (1773-1827) Connecticut had an underground prison in an old mining pit on the hills near Symsbury, which equaled in horrors all that was ever related of European prisons. Here the prisoners were crowded together at night, their feet fastened to heavy bars of iron, and chains about their necks attached to beams above. These caves reeked with filth, causing incessant contagious fevers. The inmates were self-educators in crime. Their midnight revels were said to have resembled often the howlings of a pandemonium, banishing sleep and forbidding all repose. \* \* \* Men, women, boys, idiots, lunatics, drunkards, innocent and guilty, were mingled pellmell together. No restraint was put upon gambling, lascivious conversation, or quarrelling. \* \* \*

Writers upon prison conditions and punishments hold up the Connecticut Newgate prison near Granby as a horrible example of the fact that liberty-loving Americans could and did devise a place of incarceration for culprits which outdid the European dungeon in its brutal wretchedness. The master of the gaol was empowered to put prisoners at hard labor and to punish them "by putting Fetters and Shackles upon them, and by moderate Whipping, not exceeding Ten Stripes for any offence; which Punishment may be inflicted in Case they be stubborn, disorderly, or idle, and do not well and faithfully perform their tasks, \* \* \* or in case they shall not submit to and observe \* \* \* such rules and orders as shall be from time to time made and established."

Crimes for the first commission of which the convict could be sentenced to the "New Gate" were burglary, robbery, counterfeiting, forging, and horse stealing—in short, the more serious felonies short of murder, for which the penalty was death. Manslaughter was still punished by forfeiture of all property, whipping, and branding on the hand with a capital M. Arson for some reason was not in-

<sup>1</sup> P. S., 1753, p. 273.

<sup>2</sup> Conn. Stat., Geo. III, 1773, p. 385.

<sup>3</sup> Wines, E. C.: *State of Prisons and of Child-Saving Institutions*, p. 22. 1880.

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IS *CHILDREN BEFORE THE COURTS IN CONNECTICUT.*  
 "New Gate" until the revision of 1795. The second conviction for  
 these offenses made the offender liable to imprisonment for life in the  
 "New Gate," though in 1795 this was changed and the life term  
 was imposed only in case of the third offense.

In the revision of 1795 occurs the first provision in Connecticut  
 statutes for the care of sick prisoners:

There shall be erected and kept in repair over said Cavern [the Newgate  
 prison pit], a Prison-House, fit and proper to keep such Prisoners in \* \* \*

Moreover, the "ten stripes upon the naked body" when entering  
 prison was stricken from the statute books at this revision.

As if to atone for too great lenience, the lawmakers enacted in  
 May, 1805, the first definite instruction to place prisoners in solitary  
 confinement in the prisons in this State:

The overseers \* \* \* are hereby empowered and directed to dispose of the  
 prisoners committed to said [Newgate] prison, when not employed in labor, in  
 the caverns, in the apartment called the stone prison and in said upper prison,  
 either by classes, or in solitary cells, as, in their opinion, will most conduce to  
 the order and safety of said prison, to limit the influence of bad examples and  
 counsels among the prisoners, and to promote their return to the habit and  
 practice of virtue.<sup>1</sup>

From the vantage point of our century or more of experience there  
 is a grim suggestion of tragic humor in the naive hope implied.  
 Although the intent of the statute plainly is that all prisoners shall  
 work during the day and be confined by classes or in solitary cells  
 only at night, the prison authorities soon punished all infractions  
 of discipline by solitary confinement 24 hours a day.<sup>2</sup> Without  
 question, this was the most iniquitous heritage bequeathed by New-  
 gate to the State prison erected at Wethersfield a generation later.

A revision of the statutes in 1795 effected some important changes  
 in the commitment of juvenile delinquents to Newgate. Stubborn  
 and rebellious children and servants were ordered confined in the  
 county jails or workhouses,<sup>4</sup> but boys over 16 years of age might be  
 sentenced to Newgate for serious felonies, including in addition to  
 those heretofore mentioned arson, perjury, assault to commit rape,  
 and helping in the escape of any prisoner. An act of the same year  
 prohibits the sending of females, no matter of what age or for what  
 offense committed, to the Newgate prison, and provides that—

Such female shall instead \* \* \* be liable and subjected to confine-  
 ment \* \* \* in the common Work-House; \* \* \* or to Imprisonment in  
 the common gaol in such County, there to be kept to Labour. (Revised Statutes  
 1795, p. 186.)

<sup>1</sup> R. S., 1795, p. 323.

<sup>2</sup> R. S., 1808, Vol. I, title 118, ch. 2, p. 530.

<sup>3</sup> Thomas Mott Osborne, *The New Penology*, Yale University Press, 1916.

<sup>4</sup> R. S., 1795, p. 60.

Two years later the presence of an epidemic compelled the enactment that—

Whenever the Prisoners in any gaol in this State, shall be exposed to any prevailing malignant sickness \* \* \* it shall be the duty of the Judge of the County Court, or two Justices of the quorum in the County where such sickness prevails, to cause such Prisoner or Prisoners to be removed at the expense of the State, to some place of safety "in the next gaol in the same or adjoining County \* \* \* until such sickness shall abate."<sup>1</sup>

Unfortunately, while this last measure gave relief to prisoners exposed to contagious infection in the Hartford County jail, it afforded no relief whatever to those incarcerated in Newgate, for the reason that there was no other prison in the State to which its inmates might legally be transferred.

Just how far the execrable conditions which existed at Newgate affected juvenile offenders is largely a matter of conjecture. We have already seen, however, that boys over 16 found guilty of felonies were committed to Newgate, and that younger boys were sent there upon a second offense. In fact, it was legally possible for a boy barely over 7 years of age to be committed to Newgate for life.

When conditions get bad enough they cure themselves. Prisoners condemned to Newgate, even for a short term of years, in many cases contracted tuberculosis, pneumonia, or even gangrene or some virulent contagious disease; and even the strongest emerged from a term in the dark, filthy mine pit with an impaired constitution. Indeed, upon the immature body of a juvenile delinquent the physical consequences of imprisonment in Newgate frequently proved fatal. As a result, the consciences of Connecticut legislators were at length roused to action, and "An Act Concerning the Connecticut State Prison" was passed, which provided that—

The land, buildings, and appurtenances, belonging to this State in Wethersfield, shall be, and remain a Public Gaol, Prison and Work-house.<sup>2</sup>

In 1827 the first buildings were completed and the new State prison formally opened. Newgate was at once discarded:

In any and all future cases of conviction of any person or persons for any crime of [sic] offense, the punishment whereof is now \* \* \* imprisonment in Newgate Prison, there shall be and is hereby substituted and established, in lieu thereof, imprisonment in the Connecticut State Prison \* \* \* And that so much of any and all of the Acts of this State, as requires or prescribes imprisonment in said Newgate Prison, \* \* \* be, and the same is hereby repealed.<sup>3</sup>

The statute further provided for the immediate transfer of prisoners in Newgate to Wethersfield for the remainder of their unexpired terms.

<sup>1</sup> P. A., 1798, p. 494.

<sup>2</sup> Public Acts, 1827, p. 161.

<sup>3</sup> Ibid., p. 164.

The act was amended in 1831 to provide for a prison physician and a prison chaplain at Wethersfield. The chaplain was "to devote his whole time to religious instruction, and moral improvement of the prisoners." A suitable apartment was to be provided for a "Sabbath school."

This act did not, however, abolish the disciplinary rigors of prison life. The revised statutes of 1835 provided that the punishment of refractory prisoners should be "by putting fetters and shackles on them and by moderate whipping, not exceeding 10 stripes for any one offense, or by confinement in dark and solitary cells"<sup>1</sup>—phrases clearly borrowed from the old Newgate act.

Improvement in penal conditions was not confined to State prisons. The revision of 1821 replaced the harsh punishments of the law in 1727 with the more humane and equally effective provision that—

If any of them [the prisoners] shall be refractory and stubborn, and refuse to work, or perform their work in a proper manner, he [the master] may put them in close confinement, till they will submit to perform their tasks, and obey his orders; and in case of great obstinacy, and perverseness, he may reduce them to bread and water, till they are brought to submission and obedience.<sup>2</sup>

Fetters and shackles were used only in punishment for attempts to escape, which offense was penalized by solitary confinement in chains and the addition of one month to the prisoner's term.

The law provided that prisoners unable to work "shall be properly taken care of; if possessed of estate, at their own expense; if not, at the expense of the Town where they belong."<sup>3</sup>

By 1824 the law was beginning to exhibit greater clemency toward "stubborn or rebellious children or minors," who were now to be--

\* \* \* committed to the house of correction in the Town where they live, or if there be none in that town, to the common jail in the county, to remain confined to hard labor so long as said justices of the peace shall judge proper, *not exceeding thirty days.*<sup>4</sup>

This is a somewhat milder penalty than the death sentence provided in the "Stubborn or Rebellious Son" act of 1672, or the "hard labor and severe punishment" imposed in 1750.

We have so far traced the development of penal institutions in Connecticut up to 1830. More than a decade was to elapse before any attempt was made to remove boy delinquents from the State prison, while twice that period passed before the first separate institution for the reformation of youthful offenders was established. With the founding of that institution begins the modern epoch in the history of the handling of juvenile delinquents in Connecticut.

<sup>1</sup> R. S., 1835, title 98.

<sup>2</sup> R. S., 1821, title 109, sec. 3.

<sup>3</sup> R. S., 1824, title 111, sec. 6, p. 437.

<sup>4</sup> R. S., 1824, title 13, sec. 3.



## THE TRANSITIONAL PERIOD IN THE TREATMENT OF JUVENILE DELINQUENCY, 1816-1851.

The Connecticut Legislature of 1816 was evidently in an iconoclastic frame of mind. The venerated idols of the penal system of "the good old days" were ruthlessly shattered. The stocks, the pillory, and the branding iron were relegated to the museum of penological atrocities. For instance, the crime of blasphemy was, under the code of 1672, punishable by death.<sup>1</sup> The Revised Statutes of 1808 had reduced the penalty to "whipping on the naked body, not exceeding forty stripes, and sitting in the pillory one hour";<sup>2</sup> but the statute of 1816 swept away these time-honored methods of correction, and in their stead decreed that the blasphemer should be punished by "a fine not exceeding one hundred dollars, and by imprisonment, in a common gaol, for a term not exceeding one year."<sup>3</sup> In the same way, the penalty for adultery in 1650 was death; this punishment was commuted to flogging, branding with the letter A on the forehead, and wearing a halter around the neck, in the revision of 1672; but the legislature of 1816 abolished these barbarous penalties and instituted instead punishment by imprisonment—for a man, in Newgate; for a woman, in a common jail—not more than five nor less than two years.<sup>4</sup>

Something was also done for those already behind the bars. The act making mandatory upon masters and overseers of jails the provision of fuel and bedding for prisoners<sup>5</sup> awakens us to a partial realization of what their lot must previously have been. Prior to the act of 1816 the juvenile prisoner slept on the bare ground of the prison floor, or at best in a hard board bunk, unless he were fortunate enough to have parents able to provide him with blankets. Up to that time no prison had any provision for heating during the cold of winter, or for ventilation during the heat of summer. What wonder that men, as well as boys, often died of "malignant diseases" before even a short prison term could be served!

The statute book of 1824 also phrased in its modern form the law empowering town selectmen to indenture orphans or idle children of poor parents:

If any person or persons, who have had relief or supplies from any town, shall suffer their children to misspend their time, and live in idleness, and shall neglect to bring them up and employ them, in some honest calling; or if there shall be, at any time, any family that cannot, or does not, provide competently for their children, whereby they are exposed to want; or if there be any poor children in any town, that live idly, or are exposed to want and distress, and there are none to take care of them; it shall be the duty of the

<sup>1</sup> See note, p. 10, ante.

<sup>2</sup> R. S., 1808, title 66, ch. 1, sec. 7, p. 295.

<sup>3</sup> P. A., May, 1816, ch. 9; R. S., 1824, p. 109.

<sup>4</sup> R. S., 1824, title 20, sec. 62.

<sup>5</sup> P. A., 1816, ch. 7.

selectmen of such town \* \* \* to bind out such poor children \* \* \* to be apprentices to some proper masters, to be instructed in some suitable trade, calling, or profession; males till the age of twenty-one, and females till the age of eighteen, or to the time of their marriage within that age.<sup>1</sup>

This law, essentially in the foregoing form, is still retained in this State.<sup>2</sup> The only important alteration made in it is the provision that such children may be indentured either to an institution or to a private master.<sup>3</sup> It is to be expected, of course, that, whereas the penalty imposed by the law of 1854 upon disobedient apprentices was a sentence of 30 days in the county jail,<sup>4</sup> the penalty under the present day is commitment to a State reformatory for juvenile offenders, in case the apprentice is incorrigible.<sup>5</sup>

The laws of 1854 also laid an obligation upon the master not to abuse or maltreat his apprentice. The only punishment imposed upon the master in this event, however, is the cancellation of his contract of indenture.<sup>6</sup>

The primary characteristic of the transition period is the mitigation of statutory punishments. The decreasing severity of penalties during this period is well illustrated by the punishments attaching to crimes against women. We have already seen that under early law these offenses invoked the death penalty, but that succeeding statutes lessened the severity of the punishment provided for such felonies.<sup>7</sup> The Revised Statutes of 1854 provide that—

Every person who shall carnally know and abuse any female child, under the age of ten years \* \* \* shall suffer imprisonment in Newgate prison, during his natural life, or for such other term as the court \* \* \* shall determine.<sup>8</sup>

It also imposed the same penalty for assault with intent to commit rape.

The Revised Statutes of 1835 reduced the penalty for the first of these offenses to "Imprisonment in the Connecticut State Prison for a term of not less than seven nor more than ten years," and for the latter offense to "Imprisonment \* \* \* for not less than three nor more than ten years." In case of adultery the sentence was imprisonment in the Connecticut State Prison for the man, and in a common (county) jail for the woman, for a period of not less than two nor more than five years.<sup>9</sup> Further instances would be superfluous; almost without exception the severe penalties imposed by earlier statutes were materially moderated by the laws of the transition period.

<sup>1</sup> R. S., 1824, title 65, sec. 3.

<sup>2</sup> G. S., 1902, sec. 4686.

<sup>3</sup> R. S., 1854, ch. 7, secs. 54 and 55.

<sup>4</sup> R. S., 1854, title 65, sec. 4. See all 11 Conn., 200.

<sup>5</sup> G. S., 1888, sec. 3634; also G. S., 1902, chapter on master and servants.

<sup>6</sup> R. S., 1854, title 65, sec. 6.

<sup>7</sup> See p. 10, ante.

<sup>8</sup> R. S., 1854, title 20, sec. 11.

<sup>9</sup> R. S., 1835. See under respective titles.

One of the few laws of this period which lay the liability for juvenile delinquency upon the parents is the statute providing a penalty for failure of a minor enlisted in the State militia to respond to a call to muster into active service. Here the penalty must be borne by the parent or master or guardian of the infant "unless where such parent, guardian, or master shall make it appear that he was not aiding in, or consenting to, such neglect or refusal."<sup>1</sup> The distinction here, of course, is that the minor is under a positive duty to act, and that the penalty attaches to a failure to act, in which the restraint of his parents may well have been a factor.

On the other hand, practically every other penal statute prohibits the commission of a given act. Like the Ten Commandments, criminal law is mainly composed of "Thou shalt nots"; and it is obviously more difficult for parents to prevent their children from committing any of the thousand or more acts that are legally prohibited than it is to compel them to perform the few acts that are legally mandatory.

The last important enactment of the transition period prepared the way for the juvenile reformatory institutions of the modern epoch by establishing the principle that juvenile delinquents need not be punished by confinement in the State prison:

Whenever any person under the age of seventeen years, shall be convicted by any court in this State, of an offense, the punishment of which, in whole or in part, is or may be imprisonment in the State prison, such court may, at its discretion, instead thereof, sentence such convict to imprisonment for the same term, in the county jail of the county where such conviction is had.<sup>2</sup>

The same act provides that any prisoner who may be committed to a common jail may, in the discretion of the justice, be punished by imprisonment in a workhouse or house of correction of the town or the county.

These acts indicate the growing sentiment that youthful offenders should not be associated with those sophisticated in the ways of crime and vice. Seven years later this sentiment crystallized, and expressed itself in the foundation of a school for the reformation of juvenile delinquents instead of a prison for their punishment.

#### THE MODERN PERIOD, 1851-1917.

The new era in the treatment of juvenile offenders in Connecticut was inaugurated by the State Reform School act of 1851:

There shall be established, on land conveyed to this State for that purpose, a school for the instruction, employment, and reformation of juvenile offenders, to be called the "State Reform School."<sup>3</sup>

The duties of the eight trustees were: To take charge of the general interests of the institution, to see that strict discipline was maintained, to provide employment for the inmates, to bind them out

<sup>1</sup> R. S., 1835, chapter on militia p. 396.

<sup>2</sup> P. A., 1843, ch. 21; R. S., 1854, p. 356, secs. 179 and 180.

<sup>3</sup> R. S., 1854, pp. 362 and 363.

in service when desirable, and to discharge or remand them, and to appoint and fix the salaries of the superintendent and other officers.

Those who might be committed to this school were:

Any boy under the age of sixteen years \* \* \* convicted of any offense known to the laws of this State, and punishable by imprisonment, other than such as may be punishable by imprisonment for life \* \* \* And such sentence shall be in the alternative, to the State Reform School or to such punishment as would have been awarded if this act had not been passed.

In 1881 the following classes of delinquent or morally imperiled boys were made amenable to this act:

1. Any boy under 16 years of age who may be liable to punishment by imprisonment under any existing law of the State, or any law that may be enacted or enforced in the State.

2. Any boy under 16, with the consent of his parent or guardian, against whom any charge of committing any crime or misdemeanor is pending.

3. Any boy under 16 who is destitute of a suitable home and adequate means of obtaining an honest living, or who is morally imperiled.

4. Any boy under 16 who is incorrigible, vagrant, habitually disobedient, immoral, refuses to work or to attend school.<sup>1</sup>

The term of commitment was to the age of 21, unless the boy was sooner reformed or bound out to service;<sup>2</sup> and those released on probation must be visited by an agent of the trustees at least once in six months.<sup>3</sup>

Until 1901 any boy under 16 years of age who could distinguish right from wrong was subject to commitment to this reform school. It was then provided that—

No boy under 10 years of age shall hereafter be committed to the Connecticut School for Boys<sup>4</sup> except upon conviction of an offense for which the punishment is imprisonment in the State Prison.<sup>5</sup>

In 1902 the rule was made absolute that no boy under 16 should be committed to any jail, almshouse, workhouse, or State prison, except for an offense penalized by life imprisonment.<sup>6</sup> Minor alterations in the provisions for this institution will not be enumerated here, since they are easily accessible in current statutes.

Meanwhile the towns did little or nothing to cope with the problem of juvenile delinquency. The trustees of the State School for Boys, in their thirteenth annual report (1865) tell us:

This is the only strictly reformatory institution Connecticut possesses. None of our large cities possess any local institutions, although Hartford has the nucleus for one.

<sup>1</sup> P. A., 1881, ch. 119; G. S., 1902, sec. 2823.

<sup>2</sup> Boys presumably reformed are released from the school on probation and can be remanded in case their reformation does not appear complete. Boys may also be placed out in suitable homes. G. S., 1902, secs. 2826, 2830-2831.

<sup>3</sup> G. S., 1902, sec. 2832.

<sup>4</sup> The name of the school was changed from State Reform School to Connecticut School for Boys by G. S., 1893, ch. 92. See page 9, ante.

<sup>5</sup> P. S., 1901, ch. 56. In 1914 there were 11 boys under 10 years of age in the school at Meriden. (Report State Board of Charities, 1914, p. 54.)

<sup>6</sup> G. S., 1902, sec. 2823.

While the State School for Boys took admirable care of offenders under 16 years of age, it was forbidden by statute to receive the most serious class of minor delinquents, those in the later years of adolescence and early manhood. In 1909 the legislature provided for a State reformatory at Cheshire for male offenders between the ages of 16 and 25 "convicted for the first time of offenses which may be punished by imprisonment in the State prison *for a shorter period than life.*" Those between the ages of 16 and 21 must be committed to the reformatory, while those between 21 and 25 are to be committed only when "they seem to be amenable to reformatory methods."

In either case "the judge shall not fix the term unless it exceeds five years," but shall merely impose a sentence of imprisonment in the reformatory. Boys convicted of offenses involving a jail sentence of more than six months may, at the discretion of the court, be sentenced to the reformatory. Lastly, inmates of the State School for Boys between the ages of 14 and 21 may be transferred to the Cheshire School in cases where such a transfer is deemed expedient by the managers of both institutions; and by an amendment of 1911 similar transference was authorized of boys in the State prison under 25 years of age serving sentences of not more than five years.<sup>1</sup>

Private philanthropy, however, had undertaken on a limited scale the reformation of adolescent boy offenders some five years before the legislature founded the Cheshire Reformatory. In 1904, 165 acres of land near Litchfield were given as a site for the Connecticut George Junior Republic, which admits incorrigible boys over 14 and under 21, either from private homes or State reformatory institutions. The present facilities accommodate 30 boys, but a financial campaign is now being carried on to enlarge the Republic in order to provide for at least twice that number. The average stay of boys committed to the Republic is three years.

For the care of girl delinquents prior to 1868 there was no institution other than a jail or workhouse. In that year a private corporation, organized in the form of a school district, established at Middletown the Connecticut Industrial School for Girls. In 1886 the legislature officially recognized it as a quasi State institution; the governor, lieutenant governor, and secretary of state were affiliated with the self-perpetuating board of 12 directors as State directors, ex officio; and a statute of that year provided for the commitment of girl offenders between the ages of 8 and 16 years to the school on any of the following grounds:<sup>2</sup>

<sup>1</sup> For further information concerning the Cheshire School consult the founding act of 1909 and the amendment of 1911. The school was opened to receive inmates in June, 1913.

<sup>2</sup> P. A., 1886; R. S., 1888, sec. 3638; G. S., 1902, ch. 171, sec. 2830.

1. Commission of any offense punishable by law, *other than imprisonment for life*.

2. Rude, stubborn, and unruly behavior.

3. Habitual truancy from school.

4. Daughter of parent receiving town relief who is suffered to mispend her time and be without an honest calling.

5. Girl who "is so ill provided for by her parents as to be exposed to want, or is exposed to want with none to care for her."

6. Girl who is leading idle, vagrant, or vicious life.

7. Girl who is in manifest danger of falling into habits of vice.

The delinquent girl is committed until 21 years of age, unless sooner discharged on probation or bound out to service. Whether on probation or bound out she is visited by the school agent twice a year until she is 21 years old.

The school is organized on the cottage plan, separates the different classes of inmates, and leaves little to be desired in an institution of this nature.

That the school was doing its work well as far back as 1879 is evidenced by E. C. Wines, who wrote in that year: "Careful examination has shown that at least 75 per cent of all who have passed under its actual training and influence have become respectable and self-supporting members of society."<sup>1</sup>

In 1902 two private institutions, the House of the Good Shepherd in Hartford and the Florence Crittenton Home in New Haven, opened their doors to receive wayward girls and women.

By the terms of the law of 1886, morally imperiled girls over 16 years of age could not be sent to the Industrial School for Girls at Middletown, but must be committed to a county jail or "house of correction."<sup>2</sup>

In 1905 the legislature remedied the situation by "An act concerning the commitment of girls over sixteen years of age to chartered institutions," which provided that—

Any unmarried female between the ages of sixteen and twenty-one years, who is in manifest danger of falling into habits of vice, or who is leading a vicious life, may \* \* \* be committed to the custody of any institution, except the Connecticut Industrial School for Girls, chartered \* \* \* or incorporated \* \* \* and approved by the State board of charities, \* \* \* for the purpose of receiving and caring for females who have fallen into, or are in danger of falling into vicious habits, until she shall have arrived at the age of twenty-one years.<sup>3</sup>

In 1917 there was passed an act establishing the Connecticut State Farm for Women, to which women and girls 16 years of age and over may be committed.

<sup>1</sup> Wines, E. C., *State of Prisons and Child-saving Institutions*, p. 139.

<sup>2</sup> See p. 23, ante.

<sup>3</sup> P. A., 1905, ch. 233, as amended by P. A., 1907, ch. 48.

Other private institutions than those already referred to which care for juvenile delinquents in the State are: (1) The Watkinson Farm School near Hartford, admitting boys over 12, preferably residents of Hartford; (2) the Children's Home at New Britain, receiving needy or morally endangered children of both sexes between the ages of 2 and 12; (3) Mount Carmel Children's Home, caring for Protestant homeless children between the ages of 4 and 12 exposed to immoral influences or in need; (4) the Children's Home, Stamford, an endowed home caring for boys and girls under 16; (5) the William L. Gilbert Home at Winsted, a liberally endowed institution admitting children who can not be cared for at home, neither an orphan asylum nor a reform school, and receiving only those delinquents whose offenses indicate no criminal animus or tendency; and (6) St. John's Industrial School at Deep River, caring for Roman Catholic delinquent boys between the ages of 8 and 16 years.

The institutions heretofore considered, with the exception of a few of the small private homes just mentioned, have no provisions for the care of delinquent or morally imperiled children under 8 years of age. What such children need is not a jail but a home; not punishment but reformatory and preventive care. In 1883 the legislature finally acted, and provided for the establishment of "County temporary homes for dependent and neglected children."<sup>1</sup> The original provision was, "For the better protection of children between the ages of two and sixteen," but this was later amended to read:

For the better protection of children between the ages of four and eighteen years, of the classes hereinafter described, to wit, waifs, strays, children in charge of overseers of the poor, children of prisoners, drunkards, or paupers, and others committed to hospitals, almshouses, or workhouses, and all children within said ages deserted, neglected, cruelly treated, or dependent, or living in any disorderly house, or house reputed to be a house of ill fame or assignation, there shall be provided in each county one or more places of refuge to be known as temporary homes. No such home shall be located within one-half mile of any penal or pauper institution, and no pauper or convict be permitted to live or labor therein. No such house shall be used as a permanent residence for any child, but for its temporary protection, for so long a time only as shall be absolutely necessary for the placing of the child in a well-selected family home.<sup>2</sup>

The only children excluded from the protection of these homes are those "demented, idiotic, or suffering from any incurable or contagious disease."<sup>3</sup>

It is to be noted that—

Children less than four years of age may be placed by overseers of the poor in any county temporary home if its board of management shall consent to receive them.<sup>4</sup>

<sup>1</sup> P. A., 1883, ch. 126; R. S., 1888, ch. 228, sec. 3655; P. A., 1901, ch. 134; G. S., secs. 2788, ff.

<sup>2</sup> G. S., 1902, sec. 2788.

<sup>3</sup> Ibid., sec. 2789.

<sup>4</sup> G. S., 1902, sec. 2794.

The keeping of children over 4 years of age in almshouses was prohibited:

Overseers of the poor shall not place or retain children between the ages of four and eighteen years in almshouses after they shall have been notified by said board that a temporary home in their county is open for such children; \* \* \* *Provided*, That if one of the parents of such children, who is a person of good moral character, shall be committed to the almshouse with and may there care for them, such children may remain with such parent in the almshouse for a period of not more than thirty days in any one year.<sup>1</sup>

If, however, a child eligible for admission to a county home commits an offense punishable by law, or is leading "an idle, vagrant, or vicious life, or if the child's previous circumstances and life have been such" as to warrant commitment to the Connecticut School for Boys or the Industrial School for Girls, the child may, at the discretion of the court, be sent to one of these homes. But no other child eligible for admission to a county home shall be sent to one of these reformatory institutions.<sup>2</sup>

These county homes are doing an exceptionally valuable work. They are caring for approximately 1,000 children, besides some 250 others boarded in private asylums or homes. In New Haven, New London, and Fairfield Counties the homes are overcrowded, and the pressing need for immediate enlargement can not long be ignored. Without a doubt they constitute one of the strongest preventives of juvenile delinquency in this State.

Supplementary to the county temporary homes for neglected and dependent children is the new St. Agnes Home for Children in Hartford, which cares for children of all denominations under 5 years of age.<sup>3</sup> Hitherto the almshouse has been practically the only shelter for children during these years of infancy, since the county homes and most of the orphan asylums do not receive children under 4 years of age, except under special circumstances.

A statute enacted within recent years empowers the State board of charities, or any member or agent thereof, to visit without previous warning and inspect "all almshouses, homes for neglected or dependent children, asylums, hospitals, and all institutions for the care or support of the dependent or criminal classes \* \* \* to ascertain whether their inmates are properly treated \* \* \* or unjustly placed or improperly held therein."<sup>4</sup> It also makes obligatory upon the State board of charities, or at least one member of each sex thereof, to visit at least once each quarter without previous warning "the State prison, the State reformatory, the Connecticut Industrial School for Girls, the Connecticut School for Boys \* \* \*,"

<sup>1</sup> P. A., 1885, ch. 113, sec. 1; R. S., 1888, sec. 3657; G. S., 1902, sec. 2792.

<sup>2</sup> P. A., 1883, ch. 92; G. S., 1902, sec. 2796.

<sup>3</sup> Opened by the Sisters of Mercy, September, 1914.

<sup>4</sup> G. S., 1902, sec. 2858.



at which time all inmates shall have the right of access to or communication with the visiting board members.<sup>1</sup>

By an act of 1917 licenses from the State board of charities are required by certain institutions caring for dependent children:

No orphan asylum, children's home, or similar institutions, unless specially chartered by the State, and no person or group of persons, whether incorporated for the purpose or not, shall care for or board dependent children, under 16 years of age, or other persons, in any number exceeding two at the same time in the same place, without a license obtained from the State board of charities; provided county commissioners, city boards of charity, selectmen of towns and similar official bodies shall not be subject to the provisions of this act.

The State board of charities is required to investigate and report that the home has met certain conditions before a license may be granted.

Few statutes of importance defining offenses of which juveniles may be guilty have been enacted during the modern period of juvenile delinquency legislation. Indeed, the absence of new statutory penalties for minor offenders is the chief characteristic of this period. The only such statutes passed during this period are:

1. An act prohibiting the trespassing of minors on railways, engines, or cars.<sup>2</sup>

2. The antitobacco act, prohibiting the use of tobacco in any form in public places by persons under 16 years of age.<sup>3</sup>

3. The truant act, providing that boys between 7 and 16 years of age arrested three times or more for truancy may be committed "to any institution of correction, or home of reformation in said city, borough, or town, for not more than three years, or, if such boys be less than 10 years of age \* \* \* to the Connecticut School for Boys."<sup>4</sup>

4. The vagrant-girl act, applying to girls between 7 and 16 years of age, and identical with the truant act for boys, with the exception that girls may be committed to the Connecticut Industrial School for Girls.<sup>5</sup>

5. The tramp act, applying only to boys over 16 and adult men, provides that "all transient persons who rove about from place to place begging, and all vagrants \* \* \* shall be deemed tramps," and are punishable by imprisonment in the workhouse not more than one year.<sup>6</sup>

Several important laws tending to prevent juvenile delinquency by improving the condition of children outside institutions have been enacted during the past few years.

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<sup>1</sup> P. A., 1913, ch. 42.

<sup>2</sup> G. S., 1866, p. 199.

<sup>3</sup> G. S., 1902, sec. 1362.

<sup>4</sup> G. S., 1902 ch. 130, secs. 2124, 2125.

<sup>5</sup> G. S., 1902, ec. 2129.

<sup>6</sup> G. S., 1902, secs. 1336-1341, as amended by P. A., 1913, ch. 159.

One noteworthy measure of this period is the probation act of 1903 and its several amendments.<sup>1</sup>

Its provisions and operations are mentioned in considerable detail later in this study.

A second important measure (1911-1913) prohibits the employment of any child under 14 years of age "in any mechanical, mercantile, or manufacturing establishment," or of any child between 14 and 16 unless he has a certificate issued by the school authorities certifying that he knows "the three R's" and does not appear to be physically unfit for employment. The act also prohibits the employment of any child under 16 in certain dangerous occupations; or in any manufacturing or mercantile establishment "more than 10 hours in any day, or 55 hours in any calendar week"; or in any mercantile establishment more than 58 hours in any calendar week, with certain exemptions during the Christmas holidays.<sup>2</sup> The present law is a vast improvement over the original act (P. A., 1853, ch. 39), which prohibited the employment only of children under 10 years, and fixed a minimum working day of 12 hours for those under 18.

A notable advance in the method of trial and detention of juvenile delinquents was made possible by the enactment, in 1917, of the "act concerning juvenile offenders."<sup>3</sup> Prior to 1917, Connecticut had no special laws governing the trial of juvenile delinquents. Young persons accused of wrongdoing were subjected to the same legal process as adult offenders. No provision was made by law for the detention of children awaiting trial, nor was it incumbent upon the court to hear juvenile cases in chambers. The provisions of the law, all of which look toward improved standards of court work for children, pertain to the process of bringing in cases, detention, hearings, separate dockets, and the establishment of special juvenile courts.

This act provides that in all criminal cases in which the defendant is a child under 14 service of the process shall be by summons, unless there is reason to believe that the summons may not be obeyed, in which case a warrant may be issued for the child's arrest. A child between the ages of 14 and 18 may be summoned into court instead of suffering arrest.

No child under 14 shall be committed to a jail or common lockup while awaiting trial, but shall be confined in a detention home provided by the municipality, or placed in the care of a probation officer, some other suitable person, or a charitable institution. The same

<sup>1</sup> P. A., 1903, ch. 126; 1905, ch. 142; 1907, ch. 172; 1909, ch. 161; 1911, ch. 106; 1913, ch. 68.

<sup>2</sup> P. A., 1911, chs. 119, 123, 278; P. A., 1913, ch. 179.

<sup>3</sup> P. A., 1917, ch. 309.

provision may be made for the detention of juveniles between the ages of 14 and 18, at the discretion of the court. Towns are authorized to provide or maintain detention homes for children accused of crime whom the judge may consider in need of reformative rather than punitive treatment.

All children under 18 are to be tried for the first offense in chambers, unless the offense is one punishable by imprisonment in the State prison or by the death penalty. Upon a subsequent prosecution the court may decide whether the case shall be tried in chambers. The court records of the first prosecution of all juveniles under 18 shall not be open to the general public, unless the offense is particularly serious.

Cities having a population of 20,000 or over may, by ordinance or by-laws, provide for juvenile courts to be conducted by a judge of the police or city court of such municipality, provided such ordinances or by-laws shall not extend beyond the selection of a suitable court room and such other accommodations for such court as the judge thereof shall deem necessary and proper.<sup>1</sup> No special judges are provided.

While this act embodies some of the best features of the most advanced juvenile court legislation, such as the substitution of a summons in place of a warrant, and the provision for detention of children awaiting trial, yet it is based on a different theory of legal procedure. In the Connecticut act the cases of youthful offenders are designated criminal cases, although conducted somewhat differently from such cases involving adults, while the trend of juvenile court legislation is to consider the case in the nature of one in chancery. In chancery proceedings the child is summoned into court not on a "complaint" but on a "petition," and he is treated not as a criminal to be punished but as an erring ward of the State who is entitled to the discipline and protection of that State. A law, based on this theory, may vary in form in different States according to various conditions to be met, but in the main its provisions are the same.

If the Connecticut act be compared to the law which was indorsed as a model for juvenile court legislation by the National Probation Association, several significant differences and likenesses appear.<sup>2</sup>

In the first place, as mentioned before, the procedure in Connecticut may be under the criminal code, and not, as provided by the so-called model law, only in a court of chancery. Original and exclusive jurisdiction over juvenile cases is not given to county courts, as recommended by the so-called model law, but cases may be heard

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<sup>1</sup> P. A., 1917, ch. 309, sec. 7.

<sup>2</sup> "The Proposed Model Juvenile Court Law," Bernard and Flexner, *Juvenile Court and Probation*, pp. 255-289.

by a superior court, district court of Waterbury, court of common pleas, and police, town, city, or borough courts, and justices of the peace.<sup>1</sup>

The Connecticut courts were given no broad powers in the treatment of juvenile cases nor has the State made provision for the prosecution of adults who may have contributed toward the delinquency of children. The so-called model law permits the court, throughout, a liberal construction of the powers bestowed upon it, in order that the act may effect the beneficial purpose for which it was intended. It provides, too, that the court dealing with juvenile cases shall also have the disposition of cases of adults who have "knowingly or willfully encouraged, aided, caused, abetted, or connived at such a state of delinquency or neglect" of any juvenile. Neither does the Connecticut act include in its provisions for trial and treatment other types of children's cases than those of children accused of criminal offenses, though, as provided by other statutes, the same courts which may hear cases of delinquency may decide questions of neglect. These cases are, however, entirely under the control of the county commissioners. The so-called model law embraced within the methods of treatment in its juvenile courts a more general class of children than specific offenders when it defined the jurisdiction to include any child "who so deports himself or is in such condition or surroundings or under such improper or insufficient guardianship or control as to endanger the morals, health, or general welfare of such child, \* \* \* who comes within the provisions of any law for the education, care, and protection of children."

In Connecticut it is not obligatory to have all hearings away from the other business of the court; this is left to the discretion of the judge, except in cases of first prosecutions which are not sufficiently serious to be punishable by imprisonment in the State prison or by death. The so-called model law requires this separation for all cases, without any distinction between first and later prosecutions.

Although Connecticut provides for a separate docket for first prosecutions, subsequent cases may be kept on public records. This exception is opposed to the letter and intent of the so-called model law which makes private records mandatory for all cases. The so-called model law, furthermore, provides, as Connecticut does not, that adjudication under the law shall not operate as a disqualification of the child for any office under any State or municipal civil service, and that such child shall not be denominated a criminal.

The Connecticut act has no such provision as the so-called model law for special probation officers to deal with juvenile cases, though the probation act specifies that all cases of minors shall have a pre-

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<sup>1</sup> P. A., 1917, ch. 308, sec. 4.

liminary investigation by probation officers before the case is heard in court, and if the court so decides, the child may be put in care of a probation officer after the hearing. Probation officers are appointed by the judges and not, as recommended in the so-called model law, by public competitive examinations.

No such provision as that recommended by the so-called model law was embodied in the Connecticut act for the appointment of an advisory board of citizens to cooperate with the court upon matters affecting children.

The bill which embodied those provisions of the so-called model law, which was recommended by the National Probation Association and other qualified persons for the particular needs of the State of Connecticut, failed of passage. Nevertheless, the foregoing history of the legislation of the State shows a steady progress in the treatment of juvenile delinquency.



## **CHAPTER II. METHODS OF CONDUCTING CASES OF JUVENILE DELINQUENTS BROUGHT BEFORE THE COURTS.**

This study of methods of court work was made before the act concerning juvenile offenders went into effect in 1917, and, consequently, the facts obtained relate to conditions as they were found to be before any changes due to the new law may have taken place. Since 1917 better methods have been possible in the matter of arrest, detention, privacy of hearings, and separation of juvenile records. In the main, however, the situation described would not be greatly changed.

### **INVESTIGATION OF JUVENILE CASES BEFORE TRIAL.**

At the time this inquiry was made, as a rule in the cities of Connecticut, juveniles were arrested on a warrant issued by the prosecuting attorney. It was the duty of the prosecuting attorney to satisfy himself that sufficient cause existed to warrant an arrest. Usually this officer does very little investigating outside his office. Where warrants are issued in the cases of children to be placed in the county home, three days must elapse between the issuing of the warrant and the trial of the case. This gives opportunity for fairly complete investigation of a case. In most cases, however, before the city courts, children have been arrested on one day and tried on the following day.

Where probation officers have been in attendance at the court it has been their duty to investigate these cases, in order to advise the court as to their disposition at the trial. It frequently happens that the probation officer will ask the court for a continuance of the case, and this request is usually granted. In the ordinary routine, however, it is a rare occurrence that more than 24 hours elapse between the issuance of the warrant and the trial of the case. Many probation officers have reported that their first acquaintance with the case was when the child appeared before the court on the day of the trial. Only 19 out of a total of 46 probation officers interrogated upon this point were of the opinion that sufficient time elapsed before the trial to enable them to investigate carefully each case of a juvenile and make recommendations to the court. Some probation officers reported that investigations were seldom made before a trial and others that they were not notified of arrests.

There seems to be little question that the efficiency of the probation service in the State has been lowered by this lack of opportunity to make complete investigation before a case appears for trial. The Connecticut Prison Association, which has charge of the probation work in this State, has failed to furnish a blank that is entirely satisfactory for this preliminary investigation. The probation officers in New Haven and Hartford make use of blanks not furnished by the State for the purpose of the investigation. It would appear that the most satisfactory solution of this problem would involve the furnishing of a more satisfactory blank by the prison association and a provision in the law requiring the submission to the court of this blank, properly filled out, before the case is tried. It is undoubtedly true that the trial will bring out the salient points in the case, but a careful investigation in the home and neighborhood would usually bring to light facts which would assist the judge in the disposition of the case. The necessity of a preliminary investigation of this kind would also serve to bring home to the probation officers the fact that they were not only court officers but social workers as well.

#### MENTAL EXAMINATIONS.

The more scientifically juvenile delinquency is studied, the more evident it becomes that in a large proportion of the so-called delinquents there is an accompaniment of low mentality. The child is backward at school, fails of promotion, gets discouraged, loses interest in the work of the classroom, and falls into habits of idleness. The same causes which make him fall behind in his school work render it hard for him to get and keep a job. Unemployment gives him an opportunity to spend his time on the street and to form bad associations. This results in his appearance before the court on a charge of idleness, theft, or some kindred offense. One of the first duties of the court should be to order a mental examination of a child whose school record is unsatisfactory. This is, however, one of the weak points of criminal procedure in this State. Only seven of the probation officers report that, before the trial, an examination is made by an expert to determine whether the child is mentally normal. Many children are thus brought before the court again and again before it is finally determined as a result of a mental examination that they are not responsible for their actions.

Many such children are placed on probation with the idea that it is possible for the probation officer to keep such subnormal children out of trouble in the future. Almost without exception the probation officers complain that cases are turned over to them in which it is hopeless to expect improvement. The efficiency of the proba-



tion service in the State is lowered by loading up the officers with a number of impossible cases. After probation has failed, the next step is to commit these children to the Connecticut State School for Boys or the Connecticut Industrial School for Girls. The task of conducting such a school is difficult at best, but it is rendered much harder by the presence of boys and girls who are subnormal mentally and who are a continuous source of trouble within the institution. There are to be found in the Connecticut Training School for Feeble-minded at Lakeville many children who had been arrested time and again as delinquents before an adequate mental examination proved them to be feeble-minded. A few cases may serve as illustrations.

*Case No. 1.*—A girl 16 or 17 years old. Her parents died when she was young and she was placed in a private institution and later transferred to a county home. She was still later placed in a private home, where she lived until the house was destroyed by fire. Then she was placed with another family and set fire to their house. She became frightened and tried to extinguish it. A little while afterwards she set fire to a barn, which was completely destroyed. She was untruthful and told weird stories about these fires, but finally admitted her responsibility for them. She apparently liked the excitement which they created. The girl did not seem distressed by confinement in jail and showed little curiosity as to what was to be done with her. She was examined as to her mentality and committed to the Connecticut Training School for Feeble-minded at Lakeville, where she seems quite happy. Her mental development is that of a child of 11.

*Case No. 2.*—A boy born in 1892. During his early years he was a vagrant and a thief, and was placed in a county home. From there he was committed to the Connecticut School for Boys on account of incorrigibility. Although good natured and apparently harmless, he was five years in earning his honor badge and release, though it is possible to do this in 11 months. After his release he got into trouble again and was finally committed to Lakeville. His mental age is 11 years.

*Case No. 3.*—In this family one girl was committed to the Connecticut Industrial School for Girls at the age of 12 on the charge of being beyond the control of her parents and, by her own confession, guilty of immoral conduct. After her release from Lakeville she became the mother of an illegitimate child. Mother and child were both taken to the almshouse for a short time. Later this girl moved from her home city to another State, where she married the man responsible for her trouble. Since then she has had two children. Recently, upon the discovery that he had another wife living, her husband deserted her. A brother of this girl, guilty of theft, was sent

to the county home. Another brother was committed to the reform school, but the authorities in that school reported that he was a suitable candidate for the Connecticut Training School for the Feeble-minded. Accordingly he was committed to that school. Three years later, soon after his release from Lakeville, he was arrested and committed to the Connecticut School for Boys. In the same year he was released and was shortly after arrested again for theft. He was then recommitted to Lakeville. Later he was released from Lakeville and during the following two years was brought in by the police on five different occasions. He was finally committed again to Lakeville. Another brother was arrested for theft but allowed to go free. Both the parents in this case were of low mentality and all the children were subnormal mentally. Whenever the children had their liberty they were constantly getting into trouble. They did not belong in the county home, in the Connecticut School for Boys, or in the Industrial School for Girls. They should have been placed in Lakeville at an early age and kept there.

The judges in the State are not to be blamed too much for putting upon probation or sending to the reform school boys and girls who really belong in the school for the feeble-minded, since this institution can care for only a comparatively small proportion of the known cases of feeble-minded persons in the State. The institution is continually overcrowded and there is a long waiting list. The work of the probation officers and of the Connecticut School for Boys and the Industrial School for Girls will continue to be handicapped until the State makes adequate provision for the mentally deficient. This is in some ways the greatest stumbling block in the way of the proper care of juvenile delinquents in Connecticut at the present time. New buildings are now being erected for the feeble-minded at Mansfield, but it is generally admitted that when these buildings are completed there will still remain a large number of feeble-minded children in the State who should have institutional treatment. Until these unfortunates can be properly cared for, the officers and institutions working with juvenile delinquents will continue to be handicapped by attempting to deal with a number of cases which do not rightfully belong to and can not be handled adequately by them.

Not only are there in the Connecticut Training School for Feeble-minded many juveniles who were treated as criminals and sent to penal institutions before it was discovered that they were so subnormal mentally that they were really not responsible for their actions, but there are many in the State reformatory at Cheshire who are feeble-minded and are there at the present time because the State has never made adequate provision for them. Many of the inmates of this institution are of such low mentality that it is doubtful

whether any permanent improvement can be expected from their confinement and training in this institution. It is difficult to conceive how they can ever become worthy, self-supporting members of the community after release. A brief history of a few who have been inmates of the Connecticut reformatory during the past year will make this more apparent.

*Case No. 1.*—A boy born in Europe and brought to the United States when 11 years of age. He had a feeble-minded brother who was twice refused admittance to this country. This boy attended a special class for immigrants in the public schools, where he was considered stupid, erratic, almost insane, stubborn, surly, and quarrelsome. He is practically an imbecile and has been used by criminals as a tool, although he is not a criminal type himself. He will probably never have sufficient strength of character to keep out of the hands of designing persons.

*Case No. 2.*—A boy born in 1892. He was in the third grade throughout his seven years at the Connecticut School for Boys and was considered mentally defective. His influence was so bad that he was not allowed to mingle with the other young boys, but was kept with the older ones. During his entire time in the school he did not receive a single visit from a relative or friend. He was so undesirable that he could not be placed out. When his own home was found it was most unsatisfactory. The mother was an alcoholic and a streetwalker, but, since there was no alternative, he was returned to her for lack of a better place. He was committed to the reformatory the year after his release from the Connecticut School for Boys. His mental age is 8 years. He can read a little, but does not seem to understand the meaning of what he reads. He will follow directions literally and blindly, but lacks all initiative. He seems to be devoid of all reasoning powers and is extremely suggestible, doing simply what he is told regardless of right or wrong. It is doubtful if he will ever be able to take care of himself.

*Case No. 3.*—A boy born in Connecticut. Both parents had jail records for drunkenness and the mother an additional record for keeping a disorderly house. Two sisters were immoral. The two sisters and this boy were committed by the court to a county home. Later they were returned to an aunt who had a court record for drunkenness. The two girls became prostitutes. The boy was sent to the Connecticut School for Boys. Later he was placed in the reformatory, was released on parole, violated the parole, and was returned. He is dull and of low mentality. In addition he has been a heavy drinker.

*Case No. 4.*—A boy born in Connecticut in 1894. The parents separated and the mother remarried. She is an alcoholic and pos-

sibly insane, or, at any rate, very abnormal mentally. This boy was brought up by an aunt, who was also mentally abnormal. He spent nine years at the Connecticut School for Boys, where he was considered mentally deficient. He was twice paroled to his aunt, and was finally committed to the reformatory. He was there rated as feeble-minded and easily influenced.

*Case No. 5.*—A boy, the child of an illegitimate union, born abroad of pauper ancestry. He made his home with an aunt, whose character is questionable, and who was cruel to him. At the age of 6 he was committed to the county home. He is described at the age of 9 as dull, very irresponsible, and one who could not be allowed in the room with a girl, even if there were others present. Because of his abnormal sex tendency he was placed in the Connecticut School for Boys, where he remained five years. He was paroled in the custody of his aunt, from whom he ran away after a few weeks. Soon afterwards he was committed to the State Reformatory for rape. Beyond question the boy is feeble-minded.

*Case No. 6.*—A boy born in 1894. Both father and mother were alcoholics with long jail records. The mother was also immoral. This boy was committed to a county home when young. He was later placed in two excellent private homes, but proved unadaptable, and was returned to the institution. According to the State law the control of the county commissioners ended when he was 16 years of age, and from that time until his commitment to the reformatory he led a wandering life. He was a hard drinker, and seemed unable to resist stealing whenever opportunity offered. It is unfortunate that he could not have been kept longer under the guardianship of the county home.

*Case No. 7.*—A boy born in Connecticut in 1899. The father is a hard drinker, fails to support his wife, and has served a sentence in the State prison. The mother is neurotic and was unable to control this boy. He spent four years for burglary in the Connecticut School for Boys, and was later committed to the reformatory. At the age of 17 he had the mental development of a child of 11. It is doubtful if he ever will become self-supporting.

These cases and others of a similar nature show the need for careful and thorough investigation, including mental tests, of all juveniles when brought to trial. It is impossible for any judge, no matter how conscientious he may be, to gain from questioning witnesses at a trial sufficient information concerning a child's antecedents, home surroundings, and past history to deal wisely with his case. Each child's case should be continued long enough to enable the probation officer or some social worker to make a detailed study and lay all the facts before the court.

## CARE OF JUVENILES AWAITING TRIAL.

In the cities and towns in the State in which there was probation service in 1916,<sup>1</sup> a study was made of the provision for the care of delinquent children held by the courts while awaiting trial. In most of these cities and towns this provision is inadequate. Twenty-nine of the towns and cities have no special detention rooms for children either within or without the police station.

In 13 places the lack of proper facilities is met in a fairly satisfactory manner. If a child is arrested while committing a crime and brought to the police headquarters he is, in all but the most serious cases, allowed to return to his home for the night on promise to appear with a parent at the court on the following morning. This obviates the necessity of confining him in the same building with adult criminals and brings home to the parents their responsibility for the child's conduct. Where the child is not placed under arrest, the officer calls at the home and leaves a notice for the child and parent to appear in court on the following morning. This method of handling juvenile cases is really the only way which can be followed with any satisfactory results in towns and cities where no special detention rooms for children are maintained.

In 12 of the places the children are kept over night either in the police station or in the town lockup. Even in cities as large as Willimantic, New Britain, Stamford, Meriden, and Middletown—each of which has a population of 10,000 or over—no special provision has been made for the care of juveniles. In Waterbury a new municipal building has just been erected with special detention rooms for children. In Hartford juveniles are usually released on probation, but in exceptional cases have been held in the women's section of the police station under the care of the police matron. This method of caring for juveniles has also been followed in four other cities in the State. A row of cells is set apart for women and it is the custom in these cities to hold the children as far as possible from any women occupying cells in the same row.

In two places children are kept in the town hall over night. In one place they are kept in a boys' clubroom, and in one place they are kept at the town farm.

New Haven has the most satisfactory arrangements for the care of children awaiting trial. Until about 20 years ago children were kept at the police station over night. At this time arrangements were made with the Organized Charities Association to keep chil-

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<sup>1</sup> Ansonia, Berlin, Branford, Bridgeport, Bristol, Danbury, Derby, East Hartford, Enfield, Farmington, Greenwich, Griswold, Groton, Hamden, Hartford, Huntington, Killingly, Manchester, Meriden, Middletown, Milford, Naugatuck, New Britain, New Haven, New London, New Milford, Norwalk, Norwich, Orange, Putnam, Rockville, Southington, Stamford Springs, Stamford, Stonington, Stratford, Torrington, Wallingford, Waterbury, Willimantic, Winchester.

dren awaiting trial in the top story of their building. In 1904 the detention room for the boys was moved to a separate building on the same property, where three detention cells in the corner of the men's lodging house were fitted up for them. This proved unsatisfactory and a temporary detention room was prepared in the police station, where the boys were kept separate from the adult prisoners.

Through the generosity of two public-spirited women of the city a children's building, admirably adapted to the needs, was presented to the city in 1916. Here all boys under 16 and all girls under 21 are held while awaiting trial. There is a disciplinary school in the building and on the ground floor is a room used for the city court and two rooms for the use of the two probation officers who deal with the cases of boys and girls. Court is held one afternoon each week. The attempt is made to remove from this building all the ordinary activities of a police court. It is to be hoped that other cities in the State will follow the lead of New Haven in providing proper accommodations for children.

Little complaint could be made in most places of the character of the meals served to juveniles awaiting trial. There were only two places in which the diet was confined to crackers and water. In three places meals were sent to the prisoners from a restaurant and in two from a hotel. Plain home cooking was served in four places. In about half the places sandwiches and milk or sandwiches and coffee were served.

Judging by conditions in the 12 cities covered by this study in 1914-1916, the provision for the detention of juvenile delinquents held for trial is far from satisfactory throughout the State. Except in extreme cases there is no excuse for putting these youthful offenders in the ordinary cell at the police station or lockup. In the smaller cities and towns, where the arrests of children are infrequent, it is probably not to be expected that any special provision should be made for their detention. In these cases they should be returned to their homes or cared for by the probation officer until the trial. Where the city has attained any considerable size and where arrests of juveniles are frequent, some better arrangements for their care should be provided or they should be returned to their homes. As the need for more thorough investigation before the trial is realized more clearly, so the necessity for proper detention quarters (if the home is unsatisfactory) while this investigation is being made becomes apparent.

#### TRIAL OF JUVENILES.

There were in Connecticut at the time this study was made no judges whose duties were confined to hearing children's cases, and none have been appointed since.

It was found that a large proportion of children's cases appeared before the city courts. The judges in these courts are chosen as follows: Any person has the right to nominate to the legislature, which meets biennially, any persons he may desire, to be made judges. These nominations are all referred to the judiciary committee. After a hearing this committee recommends to the legislature the persons who it believes should be elected judges. The elections are made by the legislature and the judges so chosen hold office for a term of two years. It is a rare occurrence when the recommendation of the judiciary committee is not accepted.

The result of this method of selection of judges is that they are almost invariably chosen from the political party at the time in control of the legislature. The tenure of office of judges in many cities has been very brief and is often limited to one term. It makes possible the selection of the men with the most political influence rather than the men best fitted for the position. The suggestion has been made several times that the judges of the city courts be appointed by the governor, as are the judges of the superior and supreme courts, but this recommendation has never become part of the law of the State.

A study was made of the cities and towns in which there is probation service to determine how common is the custom of the judges to hear juvenile cases in open court or in chambers. In most of the larger cities, including Bridgeport, Hartford, Stamford, New Britain, Waterbury, South Norwalk, South Manchester, Naugatuck, Greenwich, and Bristol, children's cases were almost invariably tried in chambers. In five of the smaller places with town government this practice prevailed. In about half the places studied, however, most of the cases are tried in the open court; it is unfortunate that four cities are in this list. Even where this practice of hearing children's cases in the open court has been discontinued, the method of hearing cases is at the discretion of the judge, and he may revert to hearing children's cases in the open court whenever he so wishes. Since the city court judges change frequently, the changes in this matter of procedure may be as frequent.<sup>1</sup>

In one city court it frequently happens that children sit for hours while cases of adults are being heard, waiting until their own cases are reached on the docket. There would seem to be no excuse for forcing children to wait in a court room while the cases of adults are being tried, or to have their own cases heard in the presence of other than interested parties. In New Haven all cases of children are now heard in the children's building, which is distant about four blocks from the police court. One afternoon a week was set aside

<sup>1</sup> By the terms of the act concerning juvenile offenders all first prosecutions of children must hereafter be heard in chambers.

for hearings upon these cases, and none but the judge, the attorneys, parents, witnesses, probation officers, and other interested persons were allowed in the room while the case was being heard. Public opinion should make the demand that no children's cases should be tried in open court in the future and that no children should be kept in a court room while waiting for their cases to be called.

#### RECORD FOR THE FIRST OFFENSE.

The feeling has grown throughout the State that it is a mistake to give a boy or girl a police record on the first complaint brought before the city attorney unless the offense be a serious one. The law of 1917, furthermore, has made mandatory the use of separate dockets for first offenses except in aggravated cases and has given the judge discretionary power to keep the records separate in later cases.

At the time this inquiry was made 21 of the probation officers reported that when a child was arrested for the first time for a slight offense a formal charge was not lodged against him. In this way no court record was made of the offense. When complaint was made to the city attorney that the child had committed some offense, a note was written to the father, asking him to come with the child to the office of the city attorney. In the interview which followed, the attempt was made to bring home to the father his responsibility for the conduct of the child, and, in many cases, the child was turned over to the probation officer. It frequently happened that the probation officer would receive a child upon voluntary probation. The child then reported regularly to the probation officer, who was able to keep in touch with him, with the result that many children never appeared before the court. There has been an increase of this practice throughout the State and many probation officers have reported more cases of voluntary than of legal probation. This shows that the probation officers are beginning to consider themselves rather in the light of protective officers, so far as children are concerned, and to feel that they are most successful in their work when they are able to keep the children from the court.

In three cities in Connecticut there were found to be in 1916 protective officers in addition to the probation officers. In these cases the salaries were paid by private organizations. The principal obstacle in the way of increasing voluntary probation in the State is the limited number of probation officers, and the fact that many of them have so many cases that they are unable to assume this duty in addition to their regular court work.



### CHAPTER III. THE PROBATION SYSTEM.

The probation law of Connecticut was first enacted by the general assembly of 1903 and became operative August 1 of that year. It has since been amended five times, in 1905, 1907, 1909, 1913, and 1915.

#### APPOINTMENT AND SERVICE OF PROBATION OFFICERS.

**Appointment.**—According to the probation act the judges of every district, police, city, borough, and town court shall appoint one or more probation officers. The judge of a superior court or court of common pleas may appoint a probation officer at his discretion. The number of probation officers to be appointed in any court is not limited and the judge may appoint a man or woman or both. He also has the power to remove them at pleasure. There is no check upon a judge in the choice of probation officers and he may select whomever he sees fit and remove them whenever he desires.

During the first year in which the act went into force the superior courts of New Haven and Tolland Counties appointed probation officers, the district court of Waterbury, and the city, police, town, and borough courts in 35 towns and cities of the State appointed officers. The work has increased until in 1916 officers have been appointed for the superior courts of every county, the courts of common pleas in three counties, the district court in Waterbury, the city courts in 18 cities, in 6 boroughs, and the courts of 17 towns. The work is still under the supervision of the Connecticut Prison Association. Bien-nial reports are made to the governor and great improvements have been made in the handling of the cases of juveniles brought before the court since this act went into operation. During the two years ended September 30, 1916, 2,955 boys and 260 girls were placed on probation. The distribution of these juvenile cases by courts and towns is as follows:

County or town.	Court.	Number of juveniles placed on proba- tion for year ended—			
		Sept. 30, 1915.		Sept. 30, 1916.	
		Boys.	Girls.	Boys.	Girls.
Hartford County.....	Superior.....	18	.....	28	.....
New Haven County.....	do.....	7	.....	26	3
New London County.....	do.....	2	.....	.....	.....
Fairfield County.....	do.....	38	.....	3	.....
Windham County.....	do.....	.....	.....	2	.....
Litchfield County.....	do.....	1	.....	.....	.....
Middlesex County.....	do.....	.....	.....	.....	.....
Tolland County.....	do.....	.....	.....	3	.....

County or town.	Court.	Number of juveniles placed on probation for year ended—			
		Sept. 30, 1915.		Sept. 30, 1916.	
		Boys.	Girls.	Boys.	Girls.
New Haven County.....	Common pleas.....	7	1	12	1
New London County.....	do.....				
Fairfield County.....	do.....	2			
Waterbury.....	District.....	3			
Ansonia.....	City.....				
Bridgeport.....	do.....	66	19	128	50
Bristol.....	do.....	22	1	14	
Danbury.....	do.....	25		37	
Derby.....	do.....	3		14	2
Hartford.....	do.....	507	52	532	22
Meriden.....	City and police.....	74	8	28	1
Middletown.....	City.....	2	1	10	
New Britain.....	City and police.....	82	3	118	1
New Haven.....	City.....	456	45	339	31
New London.....	City and police.....	10		12	
Norwalk.....	City.....				
Norwich.....	do.....	16	2	2	
Putnam.....	do.....				
Rockville.....	do.....	4		4	
Stamford.....	do.....	31			
Waterbury.....	do.....	91		137	3
Willimantic.....	Police.....	7	1	13	4
Farmington.....	Borough.....				
Greenwich.....	do.....	12	4	17	1
Naugatuck.....	do.....	8	1	10	
Stafford Springs.....	do.....				
Torrington.....	do.....	1		12	
Wallingford.....	do.....				
Borlin.....	Town.....	1		1	
Branford.....	do.....				
East Hartford.....	do.....			13	1
Enfield.....	do.....				
Griswold.....	do.....				
Groton.....	do.....				
Hamden.....	do.....			24	
Huntington.....	do.....	5			
Killingly.....	do.....				
Manchester.....	do.....	4		5	
Milford.....	do.....	4		2	
New Milford.....	do.....	4			
Orange.....	do.....	38	1	24	
Southington.....	do.....				
Stonington.....	do.....	1	1	8	
Stratford.....	do.....			6	
Winchester.....	do.....				
Total.....		1,573	149	1,382	129

**Duties of probation officers.**—It is the duty of the probation officer to investigate the cases of persons who are to be brought before the court for offenses not punishable by imprisonment in the State prison. He shall, whenever possible, have a personal interview with the accused before the trial, and shall report to the court all facts which may show whether the accused may properly be released on probation. Complete records of all cases investigated shall be kept by the probation officer. In cases involving minors, the court may commit the child to the care of the probation officer while awaiting trial. He shall take charge of all persons placed on probation, giving to each probationer full instruction as to the conditions of his probation, and requiring from him periodical reports of his conduct. In case the probationer fails to observe the rules of conduct pre-

scribed by the court, the probation officer may arrest him without warrant or other process and bring him before the court.

Probation officers shall not be active members of any police force, or be sheriffs or deputy sheriffs, but shall, in the execution of their official duties, have all the powers of police officers.

**Qualifications for the position.**—No special qualifications are required by law for probation officers, and no examination for applicants for the position is held. Previous training and experience seem to play a very small part in the choice of officers. Inquiries were sent to all the probation officers of the State on January 1, 1916, asking for their experience in work of this nature and previous occupation. From the replies received it is evident that a number had had training in social work—two had been general secretaries of the Y. M. C. A., two were clergymen, five had been engaged in charity organization society work, one had been a supervisor of public recreation, one was superintendent of a boys' club, one a physical instructor, and one a superintendent of a girls' reform school.

A large majority of the probation officers, however, had apparently no training or experience in social work. Among the previous occupations of these officers were the following: Chief of police, city sheriff, lawyer, farmer, real-estate dealer, street-sprinkling inspector, factory employee, housekeeper, insurance agent, barber, liveryman, census enumerator, hatter, contractor, watchman, and court messenger. One replied in somewhat vague terms that his previous occupation had been "dealing with peoples."

Of course, sympathy and common sense are two indispensable qualities in a good probation officer and may not always be developed by training, but if the probation work of the State is to be a success it is necessary that the officers consider themselves rather in the light of social workers than court officers. The value of the service would be increased if the prison association or some other body should receive from those who wish to become probation officers applications on uniform blanks, setting forth their training, experience, and special qualifications for the work, and if an examination, either oral or written, or both, could be held for applicants. A list of those who ranked the highest might be presented to a judge before an appointment is made. The quality of the probation service in the State might thus be improved.

The reports submitted by the probation officers to the Connecticut Prison Association indicate by numerous mistakes in spelling and grammar that the general education of many of the officers is meager. The blank submitted to each probation officer for his annual report is certainly simple and intelligible, and yet many officers seem to find it almost impossible to complete this blank in a satisfactory manner.

It has been necessary at times for the agent and clerk of the prison association to call upon some of the probation officers in person and assist them in filling out this very simple blank, in order that the association may have records on which to base the annual report on the probation service which the law requires.

**Pay of probation officers.**—By provisions of the act probation officers are reimbursed for all necessary expenses incurred in the prosecution of their duties and may be paid at a rate not exceeding \$4 per day in cities of 50,000 inhabitants and in all other cities and towns not exceeding \$3 per day. On January 1, 1917, there were 10 full-time probation officers in the State. The others were employed for part-time work.

As a result of the employment of so many officers on part time their pay was extremely varied. Of the officers working full time on January 1, 1916, six were paid by the day, four receiving \$4 a day, one \$3 a day, and one \$2 a day; one was paid \$15 a week and one \$25 a month; two were paid by the year, \$1,080 and \$1,000, respectively. Of those working on part time, one was paid \$4 a day, six \$3 a day, and several \$3 a day when called to court; three were paid by the month, \$40, \$15, and \$5, respectively. Of those paid by the year, two received \$300, one \$225, two \$200, and one \$40; three were paid by the hour, all receiving 30 cents; two were paid by the case, one receiving \$4 and the other \$1.50; two were paid by the visit, one receiving \$1 and the other 50 cents. Two reported that they had no regular rate of pay, and two had received nothing for a year.

Although some variation in the rate of pay is to be expected, since the amount of work varies in different courts, there is little excuse for this extreme diversity in the remuneration of probation officers. Pressure to increase the rate is frequently brought to bear upon the judges who fix the rate of pay, by the probation officer and his or her friends. In the four largest cities in the State the pay is not uniform and officers in some of these cities received twice the rate of pay of an officer in another. No apparent reason for this difference existed except the recommendation of the judge. The officer receiving \$2 a day handled more cases during the year than some of the officers receiving \$4 a day, and the work was done in as satisfactory a manner. Where the officers are paid by the case there is an incentive to finish up the case as soon as possible; where they are paid by the visit this incentive is not present. In many cases the rate of pay is too small to attract competent persons.

**Length of term of service of probation officers.**—In 38 cases it was possible to determine the length of service of the State probation officers prior to January 1, 1916. Two had held office for somewhat over 12 years, or since the law became effective. Three had

held office for 9 years, two for 7 years, two for 6 years, one for 5 years, two for 4 years, three for 3 years, six for 2 years, and 17 for not over 1 year. Only 10 of the probation officers in the State employed on January 1, 1916, had been in continuous service for over 5 years, while 17 had seen but 1 year of service or less. Some of the previous probation officers have resigned on account of the low rate of pay and others to enter another line of work, but a large proportion were changed by the judge. In some of the courts probation officers have been retained when new judges have been selected, but in many cases a new probation officer comes into office whenever the judge is changed. This brief and uncertain tenure of office is not conducive to a high degree of efficiency in probation officers and can not work for the best interest of the probation act in Connecticut.

Although the most serious objection to this frequent change of probation officers is the tendency to decrease the efficiency of the service, a minor disadvantage is the increased difficulty in preparing the annual report of the prison association. It frequently happens when a change of officers has been made by the court during the year, that the last officer can not obtain a satisfactory record from his predecessor, who has lost interest in the work. In many cases it has been with very great difficulty that the association has been able to prepare a satisfactory report of the year's work. So long as the changes in officers are as frequent as they have been during the past decade, this difficulty will probably continue.

**Headquarters for the probation officers.**—The location of the offices of the probation service is a matter of importance in the administration of the laws in regard to juveniles. If men alone were obliged to report to the probation officers, it would probably be no serious disadvantage to the work to have these offices located in the police building, but where women, boys, and girls must come to make their reports, it is certainly far from satisfactory to have them obliged to come into contact with the class of people who frequent police headquarters. On January 1, 1916, 10 of the probation officers in the State had their headquarters in police stations. This practice can not be condemned too strongly. It is a serious mistake under any circumstances to ask juveniles to report regularly to an office in the police building.

Fortunately the custom of having children report at the police building is passing out of existence. In Meriden and Willimantic the practice still prevails. In Hartford the boys report at the office of the probation officer in the police building, but enter by a door which keeps them separate from others in the building. The girls do not report at this building. Until recently all the probation officers in New Haven had offices in the police building, where the

juveniles reported to them. Recently a change had been made, and juveniles report at the children's building.

The practice is now becoming almost universal of having juveniles report at the homes of the probation officers unless they have their offices in some building other than the police station. Some of the officers, instead of asking the children to visit them, visit the homes of the children. In case an officer has only a few cases under him, this is possible. Even if the children report to the officer at his office, it is desirable for the officer to visit the homes of the children in order to acquaint himself with home conditions and talk with the parents. This practice is becoming more common in this State as probation service is better understood.

The blanks furnished by the Connecticut Prison Association to the probation officers are fairly satisfactory for keeping a record of the persons placed on probation.

A new blank, however, should be provided for the investigation preceding the trial. The law upon this subject is sufficiently clear and definite. It is the duty of every probation officer to investigate the case of any person brought or about to be brought before the court in order to ascertain the history and previous conduct of the person so arrested and in order to determine whether such person may properly be released on probation. The blank used at present does not provide for a sufficient family history.

The prison association has recently appointed a committee to make a thorough study of the blanks in use and to offer suggestions as to their improvement. When this is done the task will still remain of persuading the judges to allow sufficient time to elapse between the arrest and trial for making a thorough and satisfactory investigation.

The law also requires the clerk of every court by which a probation officer is appointed to notify the prison association forthwith of the name of the officer so appointed. Unfortunately this is not always done, and there have been cases in which some time elapsed before the association learned of the appointment of a probation officer.

**Number of cases in charge of probation officers.**—Thirty-eight probation officers reported the number of persons in their charge on November 1, 1916. Three officers had over 100 cases, one having 105, a second 108, and a third 188. Three officers reported from 75 to 99 cases; two officers from 50 to 74; five from 25 to 49; eight from 10 to 24; 15 from 1 to 9. Two had no cases. There were altogether 1,011 persons on probation at this date. The probation officers were also asked to give the largest and the smallest number of cases under their charge between January 1 and November 1, 1915. The largest number of cases in charge of any officer at any time was 330. There were three other officers with over 175 cases and four officers reported 100

to 174. Two reported 50 to 99, inclusive; six, 25 to 49; ten, 10 to 24; twelve, under 10. When the minimum number of cases is considered, there were two reporting over 100 cases; two from 75 to 99; three from 50 to 74; two from 25 to 49; seven from 10 to 24; eighteen from 1 to 9, and four officers reported that there was one time during the 10 months under consideration when they had no cases under their supervision.

The figures just given for the number of cases in charge of the probation officers include both adults and juveniles. There were 26 probation officers who reported that upon November 1, 1915, they had juveniles under their charge. One reported over 50 cases; two from 25 to 49, inclusive; three from 10 to 24, inclusive; and twenty under 10 cases, while twelve had no juveniles on this date.

It is evident from a study of the number of cases in charge of the probation officers that very few of them are overworked. In fact only three in the State complained about the number of cases they were supposed to carry. It is, however, preposterous to expect a probation officer to do good work for 330 cases at one time, no matter what the nature of the cases may be. It is, of course, a comparatively simple matter for an officer to care for a large number of cases if they are mostly of the nonsupport type, where the probationers call at his office weekly to leave the cash required from them. As a rule, however, about one-half of the probationers in Connecticut are juveniles. If a probation officer is to make a proper investigation and report to the court at the time of trial of juveniles and properly guard their interest during the period of probation, no officer should be expected to handle more than 50 to 75 cases at one time.

Then, too, the duties of a probation officer should not be limited entirely to the cases placed under his charge by the court. The best work a probation officer does is often for those children who come under voluntary probation. If an officer has too many court cases, he has no time to devote to voluntary cases. It may be that one reason why more officers did not complain that their work suffered from the necessity of carrying too many cases was the fact that they were satisfied to do just what the court required and did not take voluntary cases.

On the other hand, in a number of courts in the State the advantages of the probation system are not fully appreciated. One probation officer has not had a case placed in his charge for four years. Another, writing under date of December 20, 1915, says: "When I tell you the last person placed on probation in my town was in August, 1913, you can imagine the interest I have in this subject." Outside the five larger cities in the State, there was not a probation officer who had had over 75 cases in his charge at any one time. A campaign should be carried on in the State to enlarge the interest

in the probation service. This should include a more general use of the probation system in towns as well as a provision for more probation officers in cities.

#### PROBATION OFFICERS FOR JUVENILES.

Since no courts of domestic relations or juvenile courts exist in Connecticut, no provision is made for probation officers to handle the cases of juveniles exclusively, and there are only three such officers in the State. When two probation officers are attached to the same court, it is usual for one of them to be a man and the other a woman. There are at present eight women engaged in probation service in the State, and in every case there is a man probation officer of the same court. The man usually handles the cases of men and boys, and the woman the cases of women and girls. At one time the attempt was made, where there were a man and a woman probation officer in the same city, to have the man care for the cases of men and the woman the cases of women and all children of both sexes. The placing of boys under a woman probation officer has been discontinued in all but two cities.

Hartford, in 1916, was the only city which had two woman probation officers. In 1918 there was but one. New Haven has for some time had three probation officers, two men and a woman. The woman takes charge of all cases of women and girls. Prior to 1917 the two men officers divided the cases of men and boys between them in a somewhat unsatisfactory way. All the males placed on probation were assigned to one officer in one month and to the other officer in the following month. Each officer had one month in which he was carrying altogether too many cases, alternating with a month of comparatively light work. No attempt was made to give to each officer the type of cases for which he was particularly adapted. The chief virtue of this system was that in theory it was absolutely impartial. In 1917 a change was made by which all the men's cases were given to one probation officer and all the boys' cases to the other officer.

**Care of juvenile delinquents on probation.**—When juvenile delinquents are placed on probation they are supposed to report to the probation officer once a week. If the child is attending school, the teacher of the school reports by card on the attendance, deportment, and scholarship of the child once a week. This card is presented to the probation officer. If the child is employed, the employer is supposed to send in reports of the child's conduct to the probation officer, but such reports are very seldom received.

In case the boy or girl reports regularly each week and brings the card properly filled by the teacher or employer, and no complaint



as to the child's conduct reaches the ears of the probation officer, this is in most cases considered satisfactory. If the child fails to visit the officer regularly or reports from the teacher or employer are not encouraging, the officer usually visits the home of the child to see what the trouble is.

#### DUTIES OF THE CONNECTICUT PRISON ASSOCIATION.

The Connecticut Prison Association has nominal charge of the probation service in Connecticut. According to the law this duty is fulfilled when blanks have been provided and furnished to the probation officers and when the reports received from the probation officers have been tabulated and a record of the year's activity made to the governor. For this work an appropriation of \$60 a month for clerical services is made to the prison association. This amount is inadequate for the proper supervision of the work.

An appropriation should also be made for a chief probation officer. He should be connected with the prison association and it should be part of his duties to visit the probation officers from time to time in order to acquaint them more fully with their work, and endeavor to standardize their activity. The inspiration and advice of an experienced man would be of great service to them. At the same time he would be of assistance in helping them keep their records in order. He might possibly make some of the courts more sympathetic with probation work and stir up public interest in the problem.

#### THE ASSOCIATION OF PROBATION OFFICERS.

For several years a round-table discussion for probation officers was arranged in connection with the annual meetings of the State Conference of Charities and Correction, but other interests gradually crowded out this discussion. The probation officers are always invited to attend the annual meetings of the Connecticut Prison Association and many have availed themselves of this opportunity. In 1915 the Association of Probation Officers of Connecticut was formed, and in 1916 a meeting lasting an entire day was held in New Haven. This meeting was attended by over half the probation officers in the State and much good resulted from it. A new president was elected at this meeting and he was authorized to call another meeting in the following year. The second meeting has not yet been held. It is hoped that an annual meeting of the probation officers will be held at which they will discuss plainly their problems and learn from the experience of one another.

Unfortunately very few of the probation officers in Connecticut are members of the National Probation Association and only one officer from this State was present at the 1916 meeting of this association in Indianapolis. The probation service in Connecticut would derive much benefit if more of the officers would attend meetings of this nature. It is to be hoped that in time an esprit de corps may be created in this group.

## **CHAPTER IV. INSTITUTIONS FOR CHILDREN BROUGHT BEFORE THE COURTS.**

### **THE COUNTY TEMPORARY HOMES..**

The problem of juvenile delinquency is intimately related to that of neglect, and, therefore, a study of institutional provision for juvenile delinquents brought before the courts should include a study of homes for neglected children.

The first institutions in Connecticut likely to receive children whose home surroundings are decidedly bad, or who are neglected or cruelly treated, are the county temporary homes.<sup>1</sup> Boys between the ages of 4 and 16 and girls between the ages of 4 and 18 may be committed to these homes and remain under the control of the board of management of a home until the maximum age is reached, unless discharged or the guardianship is legally transferred at an earlier age. The board of management has authority in certain cases to give a child in adoption. Any child committed to a temporary home may, upon the petition of a relative to the board of management or to the court that made the commitment, be released when it is evident that the causes for which commitment was made no longer exist.

The management of a county home has the right to board any child committed to it in a private family, or in a chartered orphan asylum or children's home, at the expense of the State. In each town there is a town committee whose business it is to visit the homes of those applying for children, and give a written statement as to whether a home is satisfactory. When the board of management, in response to a request, has decided to place a child in a home, the person receiving the child signs an agreement to the effect that the child shall be given proper care, an opportunity to attend school, and to attend religious services of the faith of the parents, if this is known. The town committee is then notified that the child has been placed in a certain home in that town and that it is expected to report to the board of management if the child is not being properly cared for.

Annual meetings are held in the county homes, where matters relating to the care of children are discussed, and members of the town committees are expected to attend these meetings. The board of management of each home consists of three county commissioners,

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<sup>1</sup> For the law covering the point see p. 27 of this report.

a member of the State board of health, and a member of the State board of charities. Legally, the selectmen of a town may place dependent or neglected children in the county temporary home of that county at the expense of the town, and children so placed remain the wards of the town. This procedure, however, has practically ceased. The usual custom is to commit dependent children through the probate court or city, police, borough, or town court. They then become the wards of the State and their board is paid by the State.

These county homes were called county temporary homes with the expectation that children would be kept in them but a short time and would then be placed in private homes. It has, however, been difficult to find private homes to care for the children, and comparatively few of them are removed from the institutions before they are 14 years of age.

The following table shows in the first part the cases that came under the care of the county homes from October 1, 1914, to October 1, 1916; and in the second part the dispositions that were made of these cases during that period. (Statistics of Population of County Homes, 1915-16.)<sup>1</sup>

*Cases under care of county homes, Oct. 1, 1914, to Oct. 1, 1916.*

	Oct. 1, 1914, to Oct. 1, 1915.	Oct. 1, 1915, to Oct. 1, 1916.
In the county homes, Oct. 1, 1914 and 1915.....	800	779
Boarded in other institutions, Oct. 1, 1914 and 1915 .....	272	299
Received new cases in the year.....	379	298
Returned to the county homes.....	237	180
Total.....	1,688	1,556
DISPOSITION OF CASES.		
Placed in families not relatives.....	295	270
Placed with relatives.....	198	137
Otherwise discharged.....	113	90
Died.....	4	6
In county homes, Oct. 1, 1915 and 1916.....	779	770
Boarded in other institutions, 1915 and 1916 .....	298	283
Total.....	1,688	1,556

Although more cases were handled in 1915 than in 1916, the usual tendency during the last few years has been toward an increase in the number of commitments, with the result that some of these temporary homes have become overcrowded. On account of this overcrowding of the county homes, it seems likely that additions will be built to the institutions. In 1917 it was decided that an addition must be made at once to the home in one county.

<sup>1</sup> The Report of the State Board of Charities for the years 1915-16 has not yet appeared, but these figures were furnished through the courtesy of Mr. Charles P. Kellogg, secretary of the board.

In view of the fact that the buildings are overcrowded, and that so few children are being boarded out or placed in private families, the development of the placing-out side of the work of these homes is an undertaking of chief importance. That this matter is receiving considerable attention is apparent from the following extract from the Report of the State Board of Charities for the years ended September 30, 1913 and 1914:

This continued increase in the number of children on support of the county homes shows that the means employed at present for placing out are not far-reaching enough to counteract the steadily growing number of children committed and returned each year to the homes. It is evident that the work of the county homes has far outgrown their original purpose as temporary shelters, and it is hoped, therefore, that authority and means may be obtained from the general assembly of 1915 to conduct a thorough study of the care of dependent and neglected children throughout the State with a view to preventing unnecessary commitments, reducing the population of the homes to reasonable numbers, and stimulating the placing out of the children in family homes. Such a study might result in recommending that all of the county homes be placed under the centralized control of the State board, with the possible consolidation of some of the homes and a logical grouping of the inmates by age, sex, and other conditions.

In addition to the publicity given to conditions in Connecticut by this report, the Connecticut State Conference of Charities and Correction has for several years devoted one session to the subject in the hope of arousing public interest throughout the State.

The State board of charities is empowered by statute to supervise the placing of children committed to the county homes. The secretary, superintendent, or any of its agents may recommend suitable private homes where children may be placed, and may visit any such homes where the children have already been placed to ascertain whether the children are receiving proper care.

On account of lack of funds the State board of charities has been able to employ but one agent to visit for the county homes. The following table shows the work of this agent in visiting and placing out children from the county homes for the year ended September 30, 1914:

Number of children visited.....	947
Applications and cases investigated.....	111
Special cases adjusted.....	57
Children removed and replaced.....	17
New homes found.....	128

The attempt to carry on this important work with only one paid agent is pathetic, but the number of agents could not be increased on account of the meager appropriation. In 1917 a bill was introduced calling for the employment of eight such agents. Unfor-

tunately this number of visitors was reduced to three and section 2864 of the general statutes was amended to read as follows:

Said board shall appoint not exceeding three supervisors, either men or women, who shall be experienced in the care and supervision of children in institutions and in homes and shall fix their compensation, which shall not exceed twelve hundred dollars per annum for each supervisor and in addition thereto they shall receive their necessary expenses, which when audited by the comptroller shall be paid by the State, provided such expenses shall not aggregate more than four thousand dollars per annum. Said supervisors shall hold office during the pleasure of the board.

An effort made at the same time to increase the powers and duties of these supervisors met with defeat. Therefore during the next two years these supervisors will have to work under the previously existing statutes. A move in the right direction has been made by the appointment of three supervisors in place of one, but the problem of caring for dependant children in the State will never be solved until a thorough and exhaustive study of this whole question has been made.

Many social workers have regretted the necessity for the discharge of boys from the control of the board of guardians at the age of 16, and have urged that this guardianship should continue at least until 18 and possibly until 21. In support of this contention cases have been cited where children, soon after release from guardianship, have been brought before the court and sentenced to the Connecticut State Reformatory.

#### TRUANT SCHOOLS.

Truancy is one of the first signs of delinquency. The child who tires of the discipline of school life and leaves school to loiter on the streets is all too likely to indulge in other forms of lawlessness. The Connecticut statutes hold parents or guardians responsible for the school attendance of children between the ages of 7 and 16. If a child does not attend the public school in his district the parents must show that he is receiving equivalent instruction in some other school. This does not apply to children over 14 years of age who have completed the fifth grade in school and are employed at home or elsewhere.

Each city and town in Connecticut is empowered to make its own regulations concerning habitual truants from school. In the towns, boroughs, and cities of the State there are usually one or more attendance officers or truant officers. The usual practice is for the teacher to report to the superintendent of schools or to an officer any case of nonattendance. The case is then investigated by the officer and report is made to the superintendent of schools. In most towns there is no truant or disciplinary school. An ungraded schoolroom for habitual truants is maintained in most cities.

The law also provides that habitual truants may be arrested and sent to school. A boy who has been arrested three times or more is taken before a judge of the criminal or police court, or a justice of the peace. Girls who, upon the request of a parent or guardian, are arrested for truancy, may be committed to the Connecticut Industrial School for Girls.

#### THE CONNECTICUT SCHOOL FOR BOYS.

The Connecticut School for Boys, under its earlier name of State Reform School, was opened on March 1, 1854. The school is situated on Colony Street in Meriden and is less than half a mile distant from the center of the city. The tract comprises about 200 acres.

The buildings consist of a large main building, five cottages, a chapel, gymnasium, hospital for contagious diseases, workshop, and large barn. Most of the buildings are of brick. The main building is a survival of the time when the cottage plan for institutions of this type was unknown. It is still used for the congregate department, housing about 200 boys, and is divided into two sections. Each division has its own schoolroom, playroom, dormitory, and dining room. One division serves the older and more hardened boys, while the other contains somewhat younger boys who have not yet proved themselves fit to be placed in one of the cottages. The yards for exercise, connected with this building, are paved and inclosed with high corrugated iron fences.

Each of the five cottages cares for about 50 boys and contains a dormitory, dining room, schoolroom, playroom, and workroom, and is under the supervision of a man and his wife. With each cottage there is a playground without fences. Keen rivalry exists among these cottages, the athletic teams of which usually take the name of some well-known college or university.

In the congregate department the boys give 6 hours to work and spend 3 hours in the schoolroom daily. In the cottages  $5\frac{1}{2}$  hours at work and  $3\frac{1}{2}$  hours at school are required. For meals, recreation, etc., about  $5\frac{1}{2}$  hours are allowed. The schools are graded and the boys receive training in grammar-school work. Most of the boys do some ordinary shop work, from which a return is derived for the school, and, in addition, instruction is given in manual training and woodworking, blacksmithing, printing, tailoring, shoe repairing, cooking, baking, and laundry work. During the summer some of the boys work on the farm or about the grounds. About 40 of the boys receive instruction upon some musical instrument and the school has a band of which the boys are very proud.

Religious services are held in the chapel every Sunday. There are a Protestant and a Roman Catholic chaplain.

The merit system is in use in the school, and a boy may earn his parole in 11 months after entering the school if his conduct is uniformly satisfactory. The average term of detention is a little more than two years. When the time comes for a boy to leave the school he is usually returned to his parents or relatives or placed in a selected home. If a boy proves to be unruly and intractable it is possible to transfer him to the Connecticut State Reformatory.

The school is under the management of 12 trustees appointed by the senate, 1 from each county in the State and 4 from the vicinity of the institution.

During the year ended September 30, 1916, the average number in the institution was 429.

Number of boys in the school Oct. 1, 1915.....	431
Number of boys committed during the year.....	233
Number of boys returned on old commitments.....	29
Escaped boys returned .....	3
<b>Total .....</b>	<b>696</b>

The number released was 256. The number remaining in the school September 30, 1916, was 440. The age of the boys committed during the year was as follows:

Years.	Number.	Years.	Number.
8.....	3	13.....	46
9.....	8	14.....	60
10.....	17	15.....	41
11.....	26		
12.....	32	<b>Total.....</b>	<b>233</b>

Since the passage of the act of 1901 very few boys under 10 years of age have been committed to the school. The offenses for which the boys were committed during the year ended September 30, 1916, were as follows:

Incorrigibility .....	94	Breach of peace.....	3
Theft .....	80	Trespass .....	2
Burglary .....	15	Assault.....	2
Breaking and entering.....	11	Indecent assault .....	1
Truancy.....	9	Vagrancy.....	1
Injury to property.....	5		
Destitution .....	5	<b>Total.....</b>	<b>233</b>
False pretenses .....	5		

Although 155 of these boys were born in Connecticut, and 30 were born in other States in this country, only 50 were of native parentage.

During the year 256 boys severed their connection with the institution. The causes were as follows:

Discharged by the trustees.....	26
Returned to relatives.....	176
Placed at various occupations.....	14
Appeal taken.....	21
Returned to district court, Waterbury.....	1



Transferred to Connecticut Reformatory-----	6
Enlisted in United States Navy-----	1
Escaped-----	9
Died-----	2
Total-----	256

The school has a State agent whose business it is to find homes for the boys placed on parole and to visit them at least twice during the year. The attempt is made to place boys in the country, where they will be less liable to temptation. This agent has over 250 boys upon his list. During the year ended September 30, 1916, he investigated 212 homes and made 539 visits to boys. Although the agent is a competent and conscientious investigator and visitor, it would seem that the task of finding homes for the 196 boys who were added to his list during the year and of visiting the 272 boys who were already on his list was too much for one man.

The total expense of maintaining the school during the year ended September 30, 1916, was \$90,133.92. Toward meeting this expense the superintendent of the school presents to the comptroller monthly a bill at the rate of \$3.50 a week for the support of each boy committed to the school. The school received from the State treasurer during this fiscal year \$78,341. This apparent deficit was made up in part from an unexpended balance at the beginning of the fiscal year, in part from the earnings of the shops, and in part from the sale of farm products.

The chief objection which can be urged against this school is its location. It is somewhat less than a 10-minute walk from the school to the center of Meriden, a city with a population of 32,066 in 1910. In line with modern practice a school of this nature should be located upon a farm of several hundred acres in a rural district. Furthermore, the main congregate building was erected a long time ago and it might well be superseded by cottages. The officers of the school have argued that it would be more difficult to secure competent assistants and employees if the school were located in the country, but the many advantages to be gained from its location in the open country would seem to outweigh this possible inconvenience.

Charges have been brought from time to time that punishments have sometimes been unduly severe, but that is not the case under the present management. The school work in the institution is no doubt rendered extremely difficult by the presence of boys who are mentally subnormal, but this handicap must be endured for a while, since there is no other State institution with adequate facilities to which boys of this type can be sent.

An additional visitor would enable the follow-up work to be done more thoroughly for those boys who are on parole; the State could be districted, and more frequent visits could be made; and more time

could be given to finding proper homes for those to be placed on parole.

### THE CONNECTICUT INDUSTRIAL SCHOOL FOR GIRLS.

The Connecticut Industrial School for Girls is not a State institution but a private corporation established in 1868 and formally opened on June 30, 1870. It is under the control of 12 directors, together with the governor, lieutenant governor, and secretary of State as State directors *ex officio*. It receives girls between the ages of 8 and 16 who are stubborn and unruly; are leading idle, vagrant, or vicious lives; or are in manifest danger of falling into habits of vice and immorality. Any girl between these years who has committed any offense punishable by fine or imprisonment or both, other than imprisonment for life, may be committed to this institution.

The form of commitment is by a civil process. Parents, guardians, selectmen, grand jurors, or any proper officers of the town where the girl is found may present a written complaint to a judge of probate or to the criminal or police court of any city or borough sitting in chambers, or to any justice of the peace of the town where the girl is found, who must thereupon determine the case. Any girl legally committed to the institution comes under the guardianship or control of the institution until she is 21, unless sooner discharged according to law.

The school is admirably located on a tract of about 175 acres of land, on high ground, about 2 miles west of Middletown. The buildings include eight cottages, a chapel and school building, an assembly hall, gymnasium, recreation house, superintendent's house, dress-making shop, farmhouse, and farm buildings. The cottages were planned to accommodate 280 girls and are not at present filled to capacity. They provide proper facilities for classification of the girls. Two of the cottages are reserved for the more hardened and unruly girls, who attend school in their own building and are kept separate from the others.

Instruction is given under special teachers in laundry work, cooking, and dressmaking. Practical training in housework and sewing is given in the different cottages, and some of the girls are employed part of the time in the care of poultry and in doing farm work. Four hours daily are given to training in the various departments, four hours to regular school work, and the remainder of the day to meals, reading, and recreation. A dental outfit has been recently installed and a dentist from Hartford visits the school regularly.

On October 1, 1915, there were 274 girls in the school. During the year 54<sup>1</sup> were received and 75 severed their connection with the

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<sup>1</sup> This figure includes 10 girls who had been previously dismissed but were returned during the year.

school, leaving 253 in the school on October 1, 1916. Since this is somewhat below the capacity of the school, the opportunities for proper supervision have been increased.

The ages of the 44 girls committed during the year ended September 30, 1916, were as follows:

Age.	Number.	Age.	Number.
8-----	1	14-----	13
10-----	2	15-----	15
11-----	1		
12-----	5	Total-----	44
13-----	8		

Thirty-four of these girls were of native birth and 22 were of native birth and parentage.

Before being returned to the parents or placed in some other home, the girls, by good behavior in the school, are obliged to earn their conditional release by the merit system. It is possible for a girl to leave the school within 10 months after being admitted, but through occasional lapses in conduct this period is usually considerably increased. The causes for which the girls severed their connection with the school during the year ended September 30, 1916, were as follows:

Expiration of minority-----	1
Placed out in families-----	13
Placed out with relatives-----	49
Ordered to new trial-----	3
Death-----	4
Placed in hospital-----	4
Remaining as assistant-----	1
Total-----	75

The total expense of maintaining the institution during the year ended September 30, 1916, was \$58,814.45. Of this amount \$57,608.39 was reimbursed by the State for the support of the girls at the rate of \$4 a week. The visiting agent of the school had on her list on September 30, 1916, 82 girls in outside homes not yet 21 years of age. All the girls on this list are visited at least twice yearly.

In his message to the legislature in 1917, the governor recommended the appointment of a commission to study the advisability of the purchase by the State of the Connecticut Industrial School for Girls and also the advisability of establishing a reformatory for women in connection with or near the school. A bill to this effect was introduced in the legislature, but failed of passage. There is a growing feeling in Connecticut against State aid to private institutions, and many feel that the State should own and control this school to which girls are being committed as wards of the State.

### THE CONNECTICUT REFORMATORY.

At the session of the General Assembly of Connecticut in 1903 a commission was appointed to inquire into the advisability of the establishment of a State reformatory for men. This commission reported to the general assembly at the session of 1905, recommending the establishment of a reformatory and included in their recommendation a proposed reformatory law. The legislature in the session of 1909 passed an act establishing the Connecticut Reformatory. (Ch. 162, General Statutes.)

The act provided for a board of five directors appointed by the governor, with the advice and consent of the senate, to hold office for four years. The sum of \$400,000 was appropriated for the purchase of a site for the reformatory and for the erection and furnishing of the necessary buildings.

The reformatory receives male offenders between the ages of 16 and 25. For those who have been found guilty of an offense for which the maximum punishment would be one year's imprisonment in jail the term of detention in the reformatory may not exceed three years. The court makes no further specification as to length of term in these cases; this is decided by the prisoner's conduct after he enters the reformatory. Youths between the ages of 16 and 21 years who have for the first time committed an offense penalized by imprisonment in the State prison for a shorter period than life are committed to the reformatory. Those from 21 to 25 convicted for the first time of an offense of this type may be sent to the reformatory if the court deems them amenable to reformatory methods. The judge shall not fit the term to these offenders unless it exceeds five years.

At the request of the trustees of the school, inmates of the Connecticut School for Boys between the ages of 14 and 21 years may be transferred to the reformatory if the directors of the reformatory are willing to receive them. Offenders of this class may be detained at the reformatory for the same period for which they could have been held at the school for boys.

When a person is sentenced to the reformatory for an offense for which a fine is provided by law as a supplementary penalty, the trial court may not impose this supplementary penalty.

Any inmate of the reformatory who has been in confinement within the institution for a period of less than one year may be allowed to go at large on parole. If any inmate on parole is, in the opinion of the board, likely to continue to lead an orderly life, said inmate may be discharged from the reformatory. Any inmate who persistently evades the regulations of the officers of the institution

and who appears to the directors to be incorrigible may be transferred to the jail of the county from which he was sentenced, or to the State prison, there to remain for such time as the directors of the reformatory shall direct, not exceeding in all the term for which such person might otherwise have been detained at the reformatory.

Any inmate of the institution who becomes insane may be delivered to the Connecticut Hospital for the Insane, there to be safely kept until the expiration of the term for which he was committed to the reformatory, or until he shall have recovered from his insanity.

The general assembly of 1911 made a further appropriation of \$164,500 to build an administration building, a chapel, library, and print shop, and to put in 200 additional cells. On June 24, 1913, the reformatory was formally opened for the reception of inmates. It is located on about 450 acres of land in Cheshire and the average number in the institution is about 250. During the past two years a number of the boys have been employed in building new roads in different parts of the State. This form of labor has been discontinued, and during the coming year the teaching of trades and farm labor will be the principal employments. In 1917 the general assembly appropriated \$69,000 for the trade-school work for the period of two years.

The superintendent states that this trade school will aim to give instruction in those trades which are common in the State in order that an inmate, when he ends his term, may be enabled to find employment. Articles made in the trade school are to be put on sale. This will help to pay the expenses of the school and will also add to the interest in the work. During the summer, work in the trade schools will be superseded by outdoor work on the farm.

The statistics of the population of the institution for 1916 are as follows:

Total number on hand Sept. 30, 1915.....	210	
Received during the year.....	171	
Escaped inmate returned (previous year).....	1	
		382
Released on writ.....	5	
Discharged .....	6	
Paroled .....	115	
Transferred to Middletown.....	5	
Transferred to Connecticut State Prison.....	4	
Escaped and not returned.....	11	
		146
		236
Parole violators returned .....	8	
		244
Total Sept. 30, 1916.....	244	

The number of inmates committed at specific ages was as follows :

Years.	Number.	Years.	Number.
16.....	27	22.....	24
17.....	88	23.....	15
18.....	89	24.....	9
19.....	35	25.....	6
20.....	32		
21.....	19	Total.....	244

The need for teaching trades to the inmates is evident from the fact that nearly one-half of those admitted to the institution during the year ended September 30, 1916, were laborers.

The moral instruction is in charge of a Protestant and a Roman Catholic chaplain. A physician is in attendance at the institution, and during the past year a dentist has been engaged. In 1916 the directors of the institution engaged a worker to take charge of the social service department, the only one employed in any penal institution in the State. In her report for the year ended September 30, 1916, is a good account of what this department hopes to accomplish.

The duties of the social worker consist of the gathering from outside sources of such information as the officers of the institution deem advisable, and likely to enable them to deal intelligently with and plan wisely for their inmates. In addition to the recording of the detailed account of this information, a brief summary of it is also given to the parole board when an inmate appears before that body. This information includes facts regarding the home life, family history, heredity, medical history, mentality, education, and occupational history; and also facts gathered from the records of institutions, charitable societies, and courts; in fact, anything that has a bearing upon the education and reformation of the men.

From time to time opportunities arise to perform friendly offices for these families, and sometimes the attention of local agencies is called to them, and conditions bettered. In addition to the above, visits are made in homes when special circumstances arise that make it necessary.

When this institution was established it was hoped that success would attend the effort for the reformation of boys and young men who had just entered upon a criminal career, and those who are best acquainted with the activities and plans of the directors and superintendents feel that these hopes are being realized.

#### THE CONNECTICUT STATE FARM FOR WOMEN.

For some time the feeling has been growing in the State that there should be some reformatory institution for women and girls besides the Connecticut Industrial School for Girls. After girls had reached the age of 16 years there was no public institution of a reformatory

nature to which they might be sent. The county jails and the State prison were the only penal institutions for this older group. There were two private institutions, the Florence Crittenden Home at Al-lingtontown, and the House of the Good Shepherd at Hartford, to which girls between 16 and 21 could be committed by the courts. Several bills establishing a reformatory for women have been introduced in the legislature from time to time but have failed of passage.

In 1913 there was passed an act raising a commission to inquire into the advisability of establishing a reformatory for women. Accordingly the governor, in August, 1913, appointed a commission which brought in a report to the legislature in 1915. After stating the reasons why they recommended the establishment of a reformatory for women, they offered "An act establishing a Women's Reformatory Commission and making an appropriation therefor."

This act provided for the establishment of an institution to be known as the Connecticut Reformatory for Women. The governor was authorized to appoint a commission that should select and recommend a site for the institution, secure plans for the buildings, and obtain bids from competent builders for the construction of these buildings. The commission was to study institutions of a similar character in other States and make recommendations regarding the direction, maintenance, and supervision of the institution. The sum of \$20,000 was to be appropriated to carry out these plans.

After receiving a favorable report from the committee on humane institutions, the act was unfavorably reported by the committee on appropriations and failed to become a law. In 1916 the Connecticut Prison Association appointed a committee on delinquent women. This committee was asked to make a careful study of the conditions in Connecticut and also of the laws establishing women's reformatories in other States in this country. The committee was subdivided into a number of smaller committees and not only conducted a very thorough investigation, but arranged for scores of meetings upon this subject in different parts of the State. There was hardly a single town in Connecticut in which an address was not given upon the need for a woman's reformatory.

The activities of the committee resulted in the introduction in the legislature of a bill establishing a State farm for women. With slight alteration this bill was reported favorably by the committee on humane institutions and by the appropriations committee and in May, 1917, became a law.

According to this bill, the Connecticut State Farm for Women shall be under the management of seven directors, three of whom shall be women. The directors shall have no compensation for their services, but shall be paid their necessary expenses.

The directors were authorized to purchase not less than 200 acres of land for the site of the buildings and to provide for the erection of these buildings on the cottage plan. The sum of \$50,000 was appropriated for this purpose.

The directors shall form a board of parole and discharge; cause to be kept proper records, including those of inmates; fix the salaries of the officers of the institution; hold meetings at least quarterly; and audit the accounts of the superintendent quarterly. The superintendent, who shall be a woman, is to be appointed by the board of directors. There shall be a deputy superintendent and, as soon as the size of the institution demands it, a resident woman physician and a clerk.

The institution shall receive women over 16 years old who are convicted of felonies or who have committed misdemeanors, or unmarried girls between the ages of 16 and 21 who are in manifest danger of falling into habits of vice or who are leading vicious lives. Immediately upon commitment, a careful physical and mental examination, by a competent physician, shall be made of each person committed. The duration of commitment, including the time spent on parole, shall not exceed three years, except where the offender has committed a crime for which the law specifies a longer sentence, in which case the term of detention shall not exceed the maximum term specified by law for such crime.

The board of directors shall act as a board of parole. An inmate may be allowed to go on parole if she is in good physical condition, has ability to earn an honest living, has a satisfactory institutional record based on the merit system, and a proper home to which she may go, or if a suitable place of employment has been secured for her by the board of parole. Whenever any paroled inmate violates her parole she shall be returned to the institution, where she may be required to serve the unexpired term of her maximum sentence, including the time she was out on parole.

Any paroled inmate who has maintained a satisfactory record and who the board of directors believes will continue to lead an orderly life may be discharged before the completion of her maximum term by the unanimous vote of all the members present at a meeting of the board of directors.

The board of directors may transfer to the State prison or to county jail any inmate whose presence in the institution seems seriously detrimental to its well-being. Sick inmates may be transferred to a hospital.

Upon the written certificate of two competent physicians not connected with the institution, an insane inmate may be removed to the Connecticut Hospital for the Insane.



Children under 1 year of age may be committed with their mothers, but on arriving at the age of 2 years they shall be removed to an asylum for children. Children born in the institution may be kept there until 2 years of age.

The board of directors shall make provision for a system of general and vocational instruction, including useful trades and domestic science, and facilities for proper recreation.

A careful study of this law will convince one that this is an admirable piece of legislation. Although the first appropriation is small, the ultimate effect may well be to remove most, if not all, of the women from the county jails and from the State prison. This piece of legislation has made quite complete Connecticut's institutions for the care of juvenile delinquents.



## CHAPTER V. A DETAILED STUDY OF JUVENILE DELINQUENCY IN CERTAIN CITIES AND TOWNS.

A somewhat detailed study of the children under 16 years of age brought before the courts during the calendar year 1915 was made in some of the cities and towns of Connecticut. New Haven was selected for the most detailed study because it is the largest city in the State and because more boys and girls were arrested there than in any other city in Connecticut. In the case of New Haven this study covers the years 1914 and 1915. New Britain was also selected because it is a typical manufacturing city, and of all the cities in the State has the smallest proportion of the population of native parentage. Ten small towns, some industrial and some purely agricultural, were also visited and studied.

### NEW HAVEN.

The population of New Haven in 1910 was 133,605. It is to a considerable extent a manufacturing center, with a large foreign population consisting principally of Italians, Russians, and Irish.

During the years 1914 and 1915, 692 children were before the city court, 672 boys and 20 girls. The number in 1914 was 320, 312 boys and 8 girls; in 1915, 372, 360 boys and 12 girls. In obtaining these figures the card catalogue in the police headquarters was followed through these two years and the complete criminal record of every boy and girl was copied. No attention was paid to the purely identification portion of the record such as weight, height, color of hair, eyes, etc., but the following data were secured: The name of the boy or girl, the number of the card, the address, sex, age, occupation, nationality; the various offenses committed by the boy or girl since the first appearance before the court, together with the disposition of each case after trial.

The more complete records of those put in care of probation officers were also consulted, as well as the records of the Organized Charities Association, in order to obtain additional information concerning those families which had come to the notice of this organization. In many cases a still more complete history was gained by consulting social workers who had been acquainted with the family life. In this way much information concerning the home surroundings of the children was collected.

**Sex and age.**—No child under 6 years of age was tried before the city court of New Haven during the year 1914–15. From this age to

14 there is an increase in the number of children brought before the court at each year of age, with the exception of the years 10 and 11, where the numbers were practically equal. From 14 to 15 there was a slight decrease. A little more than one-half the juvenile delinquents were 13, 14, and 15 years of age.

*Children brought before the city court of New Haven, 1914-15, distributed by sex and age.*

Age.	Total.	Boys.	Girls.
Total.....	692	672	20
6 years.....	4	4	
7 years.....	7	7	
8 years.....	22	23	
9 years.....	45	44	1
10 years.....	72	72	
11 years.....	71	70	1
12 years.....	101	101	
13 years.....	169	167	2
14 years.....	129	118	11
15 years.....	119	114	5
Age unknown.....	13	13	

Although during the past few years the number of juvenile delinquents brought before the city court in New Haven has increased considerably, the tendency has been to adopt other methods than court procedure with a child 8 or 9 years of age and younger. A subpoena is frequently issued in such a case ordering a child to appear with his parents at the office of the city attorney. No formal charge is lodged against the child, but a Connecticut school complaint is made out, in which the offense is never specified, although the complaint is sometimes entered on the court records. The parents and child are warned, and in some cases the child is placed under voluntary probation. Many children are thus corrected, yet their offenses never appear upon the criminal records.

**Nativity and parentage.**—Since this study deals with juvenile delinquents, and since by the legislation of the State up to 1917 this class was confined to those under 16 years of age, the most typical census division for purposes of comparison seems to be those 10 to 14 years of age, inclusive. In 1910 this group was distributed as follows:

*Population of New Haven, 1910, 10 to 14 years of age, distributed according to color, nativity, and parentage.*

	Number.	Per cent.
Native white:		
Native parentage.....	2,577	30.3
Foreign or mixed parentage.....	6,499	55.0
Foreign-born white.....	1,461	12.6
Negro.....	236	2.0

*Children 7 to 16 years of age brought before the city court of New Haven, 1914-15, distributed by color, nativity, and parentage.*

	Number.	Per cent.
Total.....	652	100.0
Native white:		
Native parents.....	157	22.7
Foreign parents.....	577	84.5
Foreign-born whites.....	118	17.1
Negro.....	40	5.8

Of these children, 652 were white and 40 were colored. Nearly 55 per cent of the children were native whites of foreign parentage. About 17 per cent were foreign-born whites, while slightly more than one-fifth were of native white stock.

The proportion of juvenile delinquents of native stock to the total number of juvenile delinquents, 22.7 per cent, is considerably smaller than the proportion of native stock among the total number of children 10 to 14 years of age, 30.3 per cent. Fifty-four and five-tenths per cent of the juvenile delinquents were native whites of foreign parents, while 55 per cent of children 10 to 14 years of age were native whites of foreign or mixed parentage. While the foreign-born white children constituted but 12.6 per cent of those from 10 to 14 years of age, they furnished 17 per cent of the juvenile delinquents. The worst showing was among the colored; with only 2 per cent of the children 10 to 14 years of age, they furnished 5.8 per cent of the juvenile delinquents.

*Number and per cent distribution of native white children of foreign parentage appearing before the city court of New Haven, 1914-15, according to the nativity of the parents.*

	Number.	Per cent.
Total.....	377	100.0
Italian.....	180	47.7
Irish.....	109	28.9
Russian.....	43	12.7
German.....	26	6.9
Scandinavian.....	10	2.6
Scottish.....	1	0.3
Portuguese.....	1	0.3
French.....	1	0.3
Brazilian.....	1	0.3

Nearly one-half these juvenile delinquents were of Italian parentage, although according to the 1910 Census only 15.7 per cent of the total number of the native born of foreign parentage were of this nationality. Irish formed over one-fourth of the youthful offenders, and they constituted over one-third (34.6 per cent) of the total native

population of foreign parentage. Russians are third on the table of juvenile delinquency, and the 1910 Census shows 10.4 per cent of this nationality of native birth. Germans constituted 13.2 per cent of the native population of foreign parentage and furnished 6.9 per cent of the young delinquents.

*Number and per cent distribution of children of foreign birth brought before the city court of New Haven, 1914-15, by nationality.*

	Number.	Per cent.
Total.....	118	100.0
Italian.....	63	53.5
Russian.....	21	17.8
Polish.....	11	9.3
Spanish.....	8	6.8
English.....	7	5.9
German.....	2	1.7
Hungarian.....	2	1.7
Portuguese.....	1	.8
Brazilian.....	1	.8
Unknown.....	2	1.7

Italians predominated (30.8 per cent) in the foreign-born population in 1910 and they furnished over one-half of the foreign-born juvenile delinquents. Although the Irish came second in numbers (21 per cent) in the foreign-born population, they do not appear at all on the juvenile delinquent table. Russians formed 18.7 per cent of the foreign born in New Haven and they contributed 17.8 per cent of all the children brought before the court.

**Occupation.**—Over 80 per cent of the children were attending school at the time their offenses were committed. The 16 children, aged 8 to 13, inclusive, whose occupation was recorded as unknown were probably in school, but the police record bears no definite statement as to their occupation at the time of arrest. All the employed children to come before the court were at least 14 years of age—children are not allowed to work in factories in Connecticut under this age, and not under the age of 16 years unless they have completed the fifth grade in school. When we consider the group of delinquent children 15 years of age we find 55 in school and 58 engaged in some line of gainful activity.

Only 13 messengers and newsboys were brought before the court, though these occupations are supposed to be peculiarly conducive to the acquirement of vicious habits. That so small a group of these boys were arrested is possibly due to the fact that they do not commit the type of misdemeanors that come to the attention of the police.

*Occupations of children brought before the city court of New Haven, 1914-15, distributed by sex, and age at last appearance in court.*

Age at last appearance in court.	Total.		At school.		Messengers and newsboys.		Employed in factories.		Employed in offices and stores.		Miscellaneous and unknown occupations.	
	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.
Total.....	672	20	554	12	18	.....	49	3	7	.....	49	5
6 years.....	4	.....	4	.....	.....	.....	.....	.....	.....	.....	.....	.....
7 years.....	7	.....	7	.....	.....	.....	.....	.....	.....	.....	.....	.....
8 years.....	22	.....	21	.....	.....	.....	.....	.....	.....	.....	1	.....
9 years.....	44	1	43	1	.....	.....	.....	.....	.....	.....	2	.....
10 years.....	72	.....	71	.....	.....	.....	.....	.....	.....	.....	1	.....
11 years.....	70	1	68	1	.....	.....	.....	.....	.....	.....	2	.....
12 years.....	101	.....	98	.....	.....	.....	.....	.....	.....	.....	5	.....
13 years.....	107	2	103	1	.....	.....	.....	.....	.....	.....	4	1
14 years.....	118	11	88	6	5	.....	14	2	3	.....	11	3
15 years.....	114	6	82	3	3	.....	35	1	4	.....	15	1
Age unknown.....	13	.....	5	.....	.....	.....	.....	.....	.....	.....	3	.....

**Offenses.**—The following table of offenses seems to indicate that children are brought into court more for disturbing the peace of other persons than for the indulgence in habits hurtful only to themselves:

*Offenses of children brought before the city court of New Haven, 1914-15, distributed by age.*

Offense.	Total.	Years of age.											Age unknown.
		6	7	8	9	10	11	12	13	14	15		
Total.....	602	4	7	22	45	72	71	101	100	120	119	13	
Connecticut school complaint.....	191	2	4	7	9	20	22	46	30	22	17	2	
Theft.....	127	.....	.....	5	15	17	11	20	19	26	14	.....	
Trespass.....	91	.....	.....	3	9	9	8	12	11	14	24	1	
Breach of peace.....	91	.....	.....	2	7	6	16	10	15	15	19	1	
Burglary.....	46	1	2	2	3	10	3	7	10	5	3	.....	
Miscellaneous and unknown.....	28	.....	.....	1	.....	.....	1	4	3	6	4	9	
Gaming.....	24	.....	1	1	1	2	2	2	3	6	6	.....	
Industrial school complaint.....	16	.....	.....	.....	1	.....	1	.....	2	7	5	.....	
Bathing naked.....	15	1	.....	.....	.....	.....	4	.....	2	4	4	.....	
Violating city ordinance.....	15	.....	.....	.....	.....	.....	.....	.....	3	1	11	.....	
Injury to private property.....	12	.....	.....	1	.....	2	1	.....	6	3	.....	.....	
Playing ball in street.....	9	.....	.....	.....	.....	4	.....	.....	.....	3	2	.....	
Discharge of arms.....	8	.....	.....	.....	.....	.....	1	.....	1	3	3	.....	
Assault.....	7	.....	.....	.....	.....	1	.....	.....	1	2	3	.....	
Idleness.....	6	.....	.....	.....	.....	1	1	.....	2	1	1	.....	
Fugitive.....	5	.....	.....	.....	.....	.....	.....	.....	1	1	3	.....	

Nearly 30 per cent of the boys were brought in under Connecticut school complaint. Six of the eleven who were 6 and 7 years of age had this general charge made against them. As the age increases the offenses become somewhat more serious, yet one of the 6-year-old boys was charged with burglary. At one time a boy was confined over night to appear before court on the following morning on the

charge of burglary. When morning came it was found that the prisoner was unable to dress himself and had to be assisted to button his clothing before appearing in court. Of the 20 girls, 16 were brought in under industrial school complaint.

Neither a Connecticut school nor an industrial school complaint implies necessarily that a child has criminal tendencies, but rather that the home surroundings are such that the child is not likely to be given proper supervision or a fair chance in the world. Often signs of waywardness have appeared and the parents do not seem to be fit persons to correct these tendencies.

**Repeaters.**—Not only was the number of children brought before the city court during the years 1914–15 obtained, but also the total number of charges recorded against these offenders upon the records of the court. In the following table, therefore, the entire criminal career of these youthful offenders has been followed in so far as this is apparent upon the records of the city court.

*Number and per cent distribution of children brought before the city court of New Haven, 1914–15, who had been charged with specified number of offenses.*

Number of offenses.	Number of children.	Percent-age distribution.
Total.....	692	100.0
1.....	397	57.4
2.....	125	19.5
3.....	48	6.9
4.....	46	6.6
5.....	29	4.2
6.....	21	3.0
7.....	8	1.2
8.....	6	0.9
9.....		
10.....	2	0.3

Over half (57.4 per cent) the 692 children had appeared before the court but once; 19.5 per cent had been arrested twice; 160, or 23.1 per cent, had been arrested three times or more; and 66, or nearly 10 per cent, of these offenders had been brought before the court five times or more. In most cases the first offenders were dismissed or placed in care of the probation officers. It was very rare to find a child committed to the Connecticut School for Boys or the Connecticut Industrial School for Girls for the first offense. This punishment was more often reserved for those who had been found guilty on four or more different occasions. Those found guilty of six or more offenses were, with two exceptions, bound over to the superior court or judicially committed.

A somewhat detailed study of a few of these youthful repeaters may prove of interest. In each case the record is given from the date of the first offense to the date of investigation.



*Case No. 1.*—A boy was arrested for the first time at the age of 10. His court record is as follows:

Date of arrest.	Offense.	Disposition of case.
Sept. 18, 1912	Burglary.....	Nolle.
July 14, 1913	Trespass on railroad property.....	C. P. O.
Aug. 5, 1913	Trespass on railroad car.....	Fined \$2; no costs; C. P. O.
Aug. 18, 1913	Bathing naked.....	Continued; judgment suspended.
Dec. 11, 1913	Trespass on railroad property.....	C. P. O.
Dec. 31, 1913	do.....	Continued; nisi.
Jan. 17, 1914	Trespass on railroad cars.....	C. P. O.; judgment suspended.
Nov. 18, 1915	Connecticut school complaint.....	Committed to Connecticut School for Boys.

Both the father and mother of this boy are living. The father has always been able to support the family and the mother has cared for the home. There are five children in the family. An older brother with a criminal record was, after repeated offenses, also committed to the Connecticut School for Boys.

*Case No. 2.*—A boy was arrested for the first time at the age of 9. His police court record is as follows:

Date of arrest.	Offense.	Disposition of case.
Jan. 29, 1913	Breach of peace.....	Nolle.
Apr. 10, 1914	Burglary.....	Do.
Apr. 17, 1914	Connecticut school complaint.....	Nolle; C. P. O.
Oct. 15, 1914	Theft.....	Do.
Mar. 11, 1916	Throwing snowballs.....	\$2; no costs; C. P. O.

The father of this boy died in 1907 and three months later the mother married a second time. The family had received assistance from the department of public charities in the city and from several charitable organizations. Three of the five children in the family have been inmates of an orphan asylum.

*Case No. 3.*—A boy was arrested for the first time at the age of 10. His court record is as follows:

Date of arrest.	Offense.	Disposition of case.
Feb. 10, 1913	Violating city ordinance.....	Nolle.
May 31, 1914	Burglary.....	Nolle; C. P. O.
July 26, 1914	Bathing naked.....	Nolle.
May 10, 1915	Burglary.....	C. P. O.
Feb. 25, 1917	do.....	C. P. O.; nisi.
Mar. 6, 1917	do.....	In court.

Both parents are living. The father had been an intermittent worker and had a court record. The mother had worked outside the home for over 10 years. The home was dirty and unattractive. The mother had been cruel to her children, two boys and two girls. One of the children, a little girl of 5 years, was found to be syphilitic, and both boys were feeble-minded. The boy whose criminal rec-

ord is here given was examined over two years ago and pronounced feeble-minded, but was given his liberty. Since then he has been convicted of burglary on three occasions and was twice put in care of the probation officer. When tried for the third offense he was examined again and, although 14 years of age, was found to have the mental development of a child of 7. It is hopeless, evidently, to expect improvement by continuing this boy in care of a probation officer. An inheritance of disease and low mentality is common to the children in this family.

*Case No. 4.*—A boy was first convicted at the age of 9. His police court record is as follows:

Date of arrest.	Offense.	Disposition of case.
Oct. 30, 1914	Trespass on railroad property.....	Nolle.
Apr. 7, 1915	Breach of peace.....	C. P. O.
May 18, 1916	Theft.....	Do.
June 8, 1916	.....do.....	Do.
June 20, 1916	Burglary.....	Nolle.
Aug. 22, 1916	Theft.....	Committed to Connecticut School for Boys.

The father was a hard drinker with a criminal record. The mother was obliged to work outside the home. The father died about five years before the child's first arrest and the mother married again. The mother was a slack housekeeper, and the department of public charities and the Organized Charities Association have given assistance from time to time. The mother had three children by her first husband and one by her second husband. After being put on probation three times the boy was finally committed to the Connecticut School for Boys.

*Case No. 5.*—A boy was first convicted at the age of 6. His court record is as follows:

Date of arrest.	Offense.	Disposition of case.
May 11, 1907	Burglary.....	Committed to Connecticut School for Boys.
July 14, 1907	Theft.....	Nolle.
May 7, 1909	Burglary.....	Do.
May 22, 1910	Connecticut school complaint.....	Committed.
July 4, 1915	Breach of peace.....	Nolle.
July 6, 1915	Kindling fire in street.....	Do.
July 9, 1915	Burglary.....	Bound over to the superior court.

The family consisted of a father, mother, and four children, the oldest of whom has never been in this country. A daughter and two sons lived at home. The father had served a term in State prison and was a hard drinker. The mother had been obliged to work outside the home and the family had been the recipient of public and private charity for years. Both the sons have been before the court. The boy in this record was twice released from the Connecticut school, but returned to his bad practices, until finally he was bound over to the superior court on a charge of burglary.

*Case No. 6.*—A boy was first arrested at the age of 7 years. His police court record is as follows:

Date of arrest.	Offense.	Disposition of case.
May 13, 1907	Burglary.....	Nolle.
Sept. 16, 1907	Theft of bicycle.....	Committed to Connecticut School for Boys; later released.
Oct. 16, 1913	Theft.....	Nolle.
Apr. 2, 1913	Injury to personal property.....	Do.
June 23, 1915	Theft and idleness; Connecticut school complaint.	Committed to Connecticut School for Boys.

The family consisted of father, mother, and five children. The home conditions have never been good and none of the children are very bright. One of them is at present in the Connecticut School for Imbeciles, and this boy is subnormal mentally. It is doubtful whether he will ever be self-supporting.

### Disposition of cases.

*Disposition of children brought before the city court of New Haven, 1914-15, distributed by sex.*

	Total.	Boys.	Girls.
Total.....	692	672	20
Care probation officer.....	426	417	9
Nolled.....	69	64	5
Committed.....	90	86	4
Fined.....	42	42	.....
Discharged.....	19	18	1
Judgment suspended.....	23	22	.....
Bound over to superior court.....	8	7	1
Unknown.....	16	16	.....

The cases against 110 of the children were nolled—that is, the child was discharged or execution of the judgment was suspended. This disposition was most frequent where the boy or girl was before the court for the first or second offense. About two-thirds of the children brought into court, or 426 out of a total of 692, were placed under the care of a probation officer. Fines were imposed for 42 of the offenses; generally the costs were omitted. Since the fines were usually paid by the parents of the children, this penalty was evidently imposed by the judges with the intent of impressing upon the parents their responsibility for the actions of the children. Ninety children were committed to the Connecticut School for Boys and the Connecticut Industrial School for Girls.

Only two children were committed to either of these schools without having been previously placed on probation and given another trial. This makes it apparent that, judging from the police records in New Haven, a commitment is a last resort and an effort is made to give the child every chance to reform. This seems to be successful about four times out of five.

**Family conditions.**—Since it is often stated that abnormal family and parental conditions are to a great extent responsible for juvenile delinquency, this phase of the problem was studied. In 82 per cent of the families home conditions were normal—that is, the parents were married and living together and the mother was not regularly employed outside the home.

In 8 per cent of the cases the father was not living. There is no State aid for widows in Connecticut, and where the father had died the mother was usually employed more or less regularly outside the home. The younger children were usually left at a day nursery, and the older children played on the street until the mother returned from work.

Where the mother was not living, as in 5 per cent of the cases under consideration, the father found it necessary to get along as best he could. In some of these families a housekeeper was employed who was not always a competent person to take care of the children.

In 2 per cent of the cases the father had deserted, and the mother found it necessary to obtain employment in order to keep the family together. Assistance was rendered some of these families by charitable organizations. Although the father was living, the mother worked regularly outside the home in 2 per cent of the cases. In a little less than 1 per cent both parents were dead.

In 18 per cent of the cases, therefore, we find abnormal home conditions. Even where both parents were living, and as far as numbers were concerned conditions were normal, there were families in which the father was a hard drinker and somewhere he had a criminal record and had spent time in jail.

The Organized Charities Association of New Haven was started in 1878 and has preserved the records of practically all the cases it has handled since its organization. These records were studied in order to determine how large a proportion of the families to which the juvenile delinquents belonged had come to the notice of this organization. In 170, or almost exactly one-fourth of the cases, family records were on file with the organized charities.

The causes of distress when assistance was asked from this organization were as follows: In 40 families sickness was the primary cause; in 22, death of the father; and in 10, unemployment. In 72 cases, therefore, the cause does not necessarily imply misconduct. On the other hand, drink was the primary cause in 34 cases, shiftlessness in 30, desertion by the father in 26, immorality in 6, and in 2 cases the father was in jail. In 98 cases, or 58 per cent, therefore, the cause implies the misconduct of at least one of the parents.

Misconduct was apparent in 41 per cent of all the cases handled by the organized charities during the same period. How much of the delinquency of these children is traceable to poverty can not be determined, but it seems safe to say that a larger proportion of the

families from which these children come appear upon the records of the organized charities than is the case with the population at large, and, further, that a larger proportion of the applicants for relief in the families with delinquent children show apparent misconduct than the total applicants for relief.

#### NEW BRITAIN.

New Britain is a typical manufacturing city with a population of 43,916 in 1910. A larger proportion of the population of this city is of foreign birth or parentage than of any other city in the same class in Connecticut. It is impossible to obtain the statistics of the color, nativity, and parentage of the children from 10 to 14 years of age, but in 1910 only 19.9 per cent of the total population were native whites of native parentage, while 38.8 per cent were native whites of foreign or mixed parentage and 41 per cent were foreign-born whites.

A study was made of the juvenile delinquents brought before the police court in New Britain during the calendar year 1915. During this year 65 children—64 boys and 1 girl—were before the court.

The following table shows the number of cases with the age of the child at the time of arrest:

Age.	Total.	Boys.	Girls.
Total.....	77	76	1
8.....	2	2	
9.....	8	8	
10.....	10	10	
11.....	5	5	
12.....	14	14	
13.....	15	15	
14.....	12	11	1
15.....	11	11	

The number of cases was too small to expect statistical regularity, but the increase to the age of 13 is fairly regular. Of the 65 children, 2 were native born of native parentage, 50 native born of foreign parentage, and 13 were of foreign birth. The parentage of the 50 native-born children of foreign parentage was as follows:<sup>1</sup>

	Number.	Per cent.
Total.....	50	100
Polish.....	35	70
Lithuanian.....	4	8
Swedish.....	4	8
German.....	2	4
English.....	2	4
Irish.....	1	2
French.....	1	2
Russian.....	1	2

<sup>1</sup> Census classification is so different that a comparison with population distribution is almost impossible. No Polish or Lithuanian in census.

The foreign-born children were distributed as follows:

	Number.	Per cent.
Total.....	13	100.0
Italian.....	3	23.1
Lithuanian.....	3	23.1
Polish.....	3	23.1
German.....	1	7.7
Irish.....	1	7.7
Swedish.....	1	7.7
Russian.....	1	7.7

The number of children of native stock to appear before the court in New Britain was extremely small, while by far the largest proportion of children of native birth and of foreign parentage came from Polish families.

Of the juvenile delinquents in New Britain, 58 were attending public school and 7 were working full time when arrested. All those at work were 14 or 15 years of age.

Against these 65 children 77 charges were brought, as follows:

Theft.....	49
Injury to private property.....	8
Truancy.....	6
Setting traps.....	4
Incorrigibility.....	3
Breach of peace.....	3
Assault.....	2
Burglary.....	1
Danger of falling into vice.....	1
Total.....	77

A very large proportion of the arrests in this city were for theft—63.6 per cent of the total number of arrests, as compared with only 18.4 per cent of such cases in New Haven.

The 65 children brought before the court in New Britain in 1915 came from 55 families. During the year 1915 one delinquent was arrested from each of 47 of these families. Six of the families contributed 2 delinquents apiece; three of these families were Polish, one Lithuanian, one Swedish, and one German. Five of the families had records at the Charity Organization Society. In three of the cases the father had a police record. In none of them was the mother working outside the home.

Two of the 55 families contributed three delinquents each. In one of these families both parents, Polish by birth, were living. In the other case the three children were living with the grandmother, for the mother, an immoral woman, had been divorced. One of the parents was German and the other Polish. This family had a record at the Charity Organization Society.

In 43 of the 55 families both parents were living, and only two of these mothers went out to work and this only for part time. In two cases the children were living with the grandmother because the parents were not in this country and in one case because the mother was divorced. The father in each of four families was a widower; in two of these families the older daughter was keeping house, and in two there was a hired housekeeper. Five mothers were widows. In the total of 55 families there were only two cases in which the mother worked regularly and two cases in which the mother worked part time. Commenting upon this fact, the person furnishing this information wrote as follows:

We are appalled to find that the families are mainly unbroken. Thirty-two of the fifty-five families represented have charity records, and at least 14 have police records. Eight families have both charity and police records. In the instance of 42 of the children arrested the families have charity records and 14 of these also have parents who have appeared in court. It is surprising to us to find that in most instances the children have both parents living, so that the delinquency is not the result of the children's being neglected by a hard-working, overtired mother. Apparently our problem is that of the first generation from immigrant stock, where the children have adjusted themselves to New World conditions and so have outstripped the parent's authority.

#### TEN OTHER TOWNS IN CONNECTICUT.

**Town A.**—This town, which had a population of about 5,000 in 1910, has grown rapidly during the past few decades, owing almost entirely to the prosperous condition of its manufacturers. Very few of the townspeople are employed in agriculture; the greatest proportion of them work in the factories, which pay fairly high wages. The four graded schools have an attendance of about 700 and there is a good high school. The town maintains a library of nearly 3,000 volumes and appropriates about \$500 a year for running expenses and the purchase of new books. The five churches are all well supported. There are a number of licensed saloons and complaints of excessive drinking have been made. There is no public playground, and there seems to be no community effort to provide recreation for the children. The conditions as a whole appear to be little different from those in the average manufacturing town of the same size in the State.

A detailed study was made of all the cases of juvenile delinquency in this town during the past five years with the following findings:

*Case No. 1.*—A boy aged 16 years convicted of gambling. Judgment suspended. The boy had come under the influence of older people of vicious tendencies and was taken in a raid. Both parents were foreign born and unable to speak English. Home conditions were not very satisfactory. There have been no further charges brought against this boy; his conduct now seems to be fairly good.

*Case No. 2.*—A boy of 15 charged with theft. He was caught while breaking into a store, found guilty, and committed to the Connecticut State School for Boys. The boy is native born of foreign parentage. The home conditions were very poor. The father had died a short time before the boy's arrest. The grandparents with whom the boy lived at one time were drug users. There seems to have been no proper family discipline.

*Case No. 3.*—A boy aged 13 arrested for theft, found guilty, and committed to the Connecticut School for Boys. He seems to have been for years engaged in stealing in one way or another. The boy was born in this country, but both parents were foreign born. The father is an easy-going man and the mother is nervous and excitable, with poor judgment. The boy's record in school was poor and he seems to be considerably below the average as a scholar.

*Case No. 4.*—A boy of 14 arrested for the use of abusive language. He was found guilty, but sentence was suspended and he was placed on probation. Both parents of this boy were foreign born and the father and mother were very profane in their conversation. The boy seemed to have been bright enough, but he had a bad school record on account of rough behavior. The boy was considered for some time to have a bad influence upon the other children in the community.

Now follow five cases of theft of fruit. All these boys were found guilty and placed on probation.

*Case No. 5.*—A boy aged 14 of foreign parentage. The parents speak very little English. They are thrifty and hard working. The boy was bright in school. He appeared to lack respect for his parents because they were unable to speak English. No complaint has been lodged against this boy since he was placed on probation.

*Case No. 6.*—A boy aged 13. His parents were foreign born. The boy did satisfactory work in school and played in the street with his companions after school hours. He was never given any spending money, and, being attracted by the fruit, helped himself to it. He is now doing well.

*Case No. 7.*—A boy aged 14, born of foreign parents who were hard working, industrious, and anxious to save as much money as they could. Outside school hours the boy was left to amuse himself on the street. The boy has caused no trouble since being on probation.

*Case No. 8.*—A boy aged 14. Both parents were foreign born and both drank at times and neglected their children. The boy is still on probation, but is not doing so well as some of the other children. On account of the unsatisfactory home conditions it may be found necessary to commit him to the Connecticut School for Boys.



*Case No. 9.*—A boy aged 13. There is some drinking in this home, but since the boy has been placed on probation he seems to be doing fairly well.

Every one of the nine boys arrested during the past five years in this town was of native birth and foreign parentage. This class seems to be causing the most trouble in the town and the explanation offered is that the boys do not respect their parents, whom they consider to be un-American and old-fashioned.

**Town B.**—The town has 5,000 population. A large proportion of the males are employed in two large manufacturing concerns. Surrounding the center is a sparsely settled agricultural district. Some complaint is made of lawlessness on the part of boys, who steal fruit from farms and gardens and coal from the manufacturing concerns. This stealing is done almost entirely by the children of the foreign born and seems to be encouraged by the parents. In addition to the activity of the police, boy scouts and boys' and girls' clubs in the churches are trying to offset these tendencies among the children. During 1915 two boys and one girl were arrested. All of them were native whites of foreign parentage. Both boys were 13 years of age and both were found guilty of incorrigibility and refusal to obey their parents. They were sent to the Connecticut School for Boys. The girl, aged 16, being in danger of falling into habits of vice, was sent to the House of the Good Shepherd.

**Town C.**—The town had a population of about 3,500 in 1910. It is to a considerable extent a manufacturing town with a variety of industries, and has been practically stationary in population for the past 30 years. The proportion of native stock in the population has been steadily decreasing within recent years. Very little complaint is made concerning the boys and girls and the principal offense seems to be petty theft. During 1915 four boys were arrested. All were of native birth and foreign parentage. Three boys were brought in on a charge of misusing a smaller boy. They were found guilty, fined, and given a lecture by the justice. The fourth boy was arrested on a charge of stealing a horse. He was found guilty and sent to the Connecticut School for Boys. There was no probation service in this town and no special provision has been made for caring for juveniles. When it was found necessary to keep a child over night awaiting a trial, he was kept in the local jail.

**Town D.**—The town had a little over 1,000 population in 1910. It is a manufacturing place with one factory, and has increased considerably in size during the past five years. Most of the recent comers have been foreign-born whites. There is practically nothing in the form of amusement and people go to the larger places near by for their commercialized recreation. Two saloons in the town do a flourishing business. It has been difficult to find employees for the fac-

tory and the management has had to take what it could get, with the result that the grade of labor is rather low. A good many complaints are made of lawlessness in the community and the more intelligent classes feel that more ought to be done for the boys and girls. Only two boys have been arrested during the past five years.

One of the boys was arrested for the first time for theft when 10 years of age. He was given a talk by the justice and allowed to go. Later he committed theft again and ran away from home. On his return nothing was done about the second offense and later he was arrested for housebreaking and sent to the Connecticut School for Boys.

Public opinion seems to be that the boy was not entirely at fault. The father was shiftless and had been arrested several times for theft. The mother, who was feeble-minded, died when the boy was young. The boy had been allowed to shift for himself and never had any decent home. The school-teachers who had this boy in their classes consider him subnormal mentally, but no medical examination was ever made when the boy was before the court.

The other case was a boy who tried to obtain money by a letter of intimidation. Since he came from a good family and since it was felt by the townspeople that he wrote this letter as a result of some undesirable literature he had been reading, the case against him was dropped. Three years have passed and the boy is apparently doing well.

Conditions in this town are far from satisfactory. One of the best informed men in the community, after mentioning the lowering of community standards caused by the recent immigration, writes:

This has an evil effect upon child life. People who come here with children complain bitterly about what the child must see and hear and some have left town and given up their work in the interest of their children. There is little effort made to counteract this influence. There is no playground or any other redemptive agency apart from the Sunday schools. The figures for delinquents, considering these conditions, are very small, but these two cases of crime by no means represent the real boy and girl life of this town. The cause of this low rate of crime is due, in part, to an easy-going police system. We have no policemen in the regular sense of the word. Our police are men engaged in other pursuits, principally in the factory. These men are more likely to pass disorder unnoticed than would regular officers of the law whose promotion depended in part upon their vigilance.

**Town E.**—This town has about 3,000 population and is a purely agricultural and residential place. A number of persons from the cities have country estates here. The conditions are considered ideal for a country town. Not a boy or a girl has been arrested during the past five years, and what lawlessness exists seems to be confined to an occasional theft from an orchard. The town has no probation officer, and if it were necessary to keep a child over night while awaiting trial he would probably be kept in the home of the village constable.

**Town F.**—The town has a population of 600, scattered over an area of about 16 square miles. There is no manufacture in the town. No juvenile has been arrested in five years and very few complaints are made in regard to the conduct of the children. There is no probation officer, and if a child had to be detained over night he would be kept at the home of one of the selectmen.

**Town G.**—The place has about 6,000 population. There are one or two small manufacturing concerns in the place, but most of the population is on farms. This town is a summer resort, and almost the only complaint seems to be that the children of these visitors are not very strict in the observance of the Sabbath. There is, however, very little lawlessness, and no child has been arrested in three years. There is no probation service, and no one seemed to know just what would be done with a child if it were necessary to detain him over night. The general impression seemed to be that he would be kept in some private home.

**Town H.**—The town has a population of a little over 1,000. This is a quiet New England village with no manufacture, and most of the population is of native stock. A number of the best places are owned by families from the city who spend their summers here. There were very few complaints of the actions of the children and none have been arrested in two years. The last time a child was arrested he was sent home and allowed to stay there until he appeared for trial. He was arrested for robbing an orchard, and the case was dropped.

**Town I.**—The town has about 500 population, purely agricultural. No child has been arrested in five years and the conditions of child life were felt to be very healthy. There is no probation service in the town, and if it should be necessary to detain a child he would be kept in the home of the probate judge.

**Town J.**—The town has about 500 population. There is no manufacture; practically all the families live on farms and are of native stock. There seems to be very little juvenile delinquency and no arrest of a juvenile has been made in over five years. No probation service is provided, and a child, if necessary to keep him over night, would be taken to the home of the first selectman.

A study of the court records shows more juvenile delinquency in the manufacturing towns than in the agricultural sections of the State. The fact that in the 10 towns studied not a native child of native parentage was arrested seems to indicate that the influx of the foreign born into the manufacturing towns adds to the problem of juvenile lawlessness. The children of the foreign born learn the language and customs of the new country much more quickly than their elders, and this tends to diminish their respect for parental restraints.

Court records are not, however, an index of all the juvenile delinquency in a community. In the smaller agricultural towns the police are often engaged in other pursuits, and are not very vigilant. Doubtless much lawlessness exists in these towns, which is never recorded, while in the city many acts which would be disregarded in the country districts are brought to the notice of the courts.

### CONCLUSION.

In the hope that Connecticut may take high rank in its efforts and provisions to control and reduce juvenile delinquency through the State the following suggestions are offered:

1. A thorough study of the present system of caring for dependent children and, following this, a revision of the laws. Greater centralization and better inspection of the homes in which these children are placed are urgently needed. This supervision should not cease, as at present, at the age of 16 for boys and 18 for girls.

2. More adequate institutional provision for the feeble-minded and permanent custodial care for the nonplaceable defective or very antisocial delinquent, instead of his return to a vicious home for lack of a better alternative.

3. Careful testing and special training of mentally defective delinquents.

4. Provision of suitable places for the detention of juvenile delinquents when it is impossible to allow them to return to their homes while awaiting trial.

5. Postponement of trial of all cases of juveniles for a sufficient length of time to enable a careful investigation to be made before the trial. Proper blanks should be furnished by the Connecticut Prison Association for this work.

6. In some of the larger cities of the State, courts of domestic relations before which all cases affecting juveniles would be heard.

7. Either before the trial or immediately following his or her reception into an institution, a careful physical and mental examination of every juvenile.

8. The appointment of city and police court judges by the governor, instead of their election by the members of the legislature.

9. Some form of test to determine the qualifications of applicants for the position of probation officer.

10. The tenure of office of probation officers not to depend upon re-appointment by judges, since the judges are changed so frequently.

11. The appointment of a chief probation officer under the authority of the Connecticut Prison Association to visit the probation officers from time to time in order to secure uniformity and raise the standard of their work.

## APPENDIX.

### TEXT OF STATUTES RELATIVE TO JUVENILES.

#### STATE BOARD OF CHARITIES.

G. S. Rev. 1902, ch. 178.

**SECTION 2859. Board may recommend and visit homes for children.**—The board may recommend to the boards of managers of the temporary homes in the several counties suitable family homes for the dependent and neglected children in such temporary homes, and may visit any family home in which any such child has been placed by the county board in any county, or any place in which any such child has been placed at employment by any county board, to ascertain whether such child is properly treated and whether such home is a suitable one, having in view the welfare of the child.

**SECTION 2860. Report of ill treatment.**—Whenever it shall be found that any such child is not properly treated in any family home, or that such home is not a suitable one and is of such character as to jeopardize the welfare of any child so placed therein, the board shall report the facts in the case to the county board which placed the child in such family home, and said county board, upon being satisfied of the ill treatment of the child, or the unsuitableness of the home, shall remove the child from such home and take such further action as shall be necessary to secure the welfare of the child.

**SECTION 2861. Delegation of duties, authorization of agents.**—The board may authorize its secretary or superintendent, or any agent appointed by it, to visit family homes in which dependent and neglected children under the charge of temporary homes may be placed, to recommend suitable family homes to the county boards, and to perform further duties in connection with such delinquent and neglected children as said board may prescribe.

#### TRUANTS.

G. S. Rev. 1902, ch. 180.

**SECTION 2116. Duties of parents and guardians.**—All parents and those who have the care of children shall bring them up in some lawful and honest employment, and instruct them or cause them to be instructed in reading, writing, spelling, English grammar, geography, arithmetic, and United States history. Every parent or other person having control of a child over seven and under sixteen years of age shall cause such child to attend a public day school regularly during the hours and terms the public schools in the district wherein such child resides is in session, or while the school is in session where provision for the instruction of such child is made according to law, unless the parent or person having control of such child can show that the child is elsewhere receiving regularly thorough instruction during said hours and terms in the studies taught in the public schools. Children over fourteen years of age shall not be subject to the requirements of this section while lawfully employed at labor

at home or elsewhere; but this provision shall not permit such children to be irregular in attendance at school while they are enrolled as scholars, nor exempt any child who is enrolled as a member of a school from any rule concerning irregularity of attendance which has been enacted or may be enacted by the town school committee, board of school visitors, or board of education having control of the school.

**SECTION 2122. *By-laws concerning truants.***—Each city and town may make regulations concerning habitual truants from school and children between the ages of seven and sixteen years wandering about its streets or public places, having no lawful occupation, nor attending school, and growing up in ignorance; and may make such by-laws, respecting such children, as shall conduce to their welfare and to public order, imposing penalties, not exceeding twenty dollars for any one breach thereof.

**SECTION 2124. *Arrest of truants.***—The police in any city, and bailiffs, constables, sheriffs, and deputy sheriffs in their respective precincts, shall arrest all boys between seven and sixteen years of age, who habitually wander or loiter about the streets or public places, or anywhere beyond the proper control of their parents or guardians, during the usual school hours of the school term; and may stop any boy under sixteen year of age, during such hours, and ascertain whether he is a truant from school; and if he be, shall send him to such school.

**SECTION 2125. *Truants may be committed to school for boys.***—Every boy arrested three times or more under the provision of section 2124 shall be taken before the judge of the criminal or police court, or a justice of the peace, in the city, borough, or town where such arrest is made; and if it shall appear that such boy has no lawful occupation, or is not attending school, or is growing up in habits of idleness or immorality, or is an habitual truant, he may be committed to any institution of instruction or correction, or house of reformation in said city, borough, or town, for not more than three years, or, if such boy be not less than ten years of age, with the approval of the selectmen, to the Connecticut School for Boys.

**SECTION 2129. *Vagrant girls may be committed to industrial school.***—Upon the request of the parent or guardian of any girl between seven and sixteen years of age, a warrant may be issued for her arrest in the manner and on the conditions provided in the preceding sections with respect to boys; and thereupon the same proceedings may be had as are above provided, except that said girl may be committed to the Connecticut Industrial School for Girls.

## STATE REFORMATORY.

P. A., 1909, ch. 1090.

An act establishing the Connecticut Reformatory.

*Be it enacted by the Senate and House of Representatives in General Assembly convened.*

**SECTION 1.** A State reformatory to be known as the Connecticut Reformatory is hereby established.

**SECTION 10.** Male persons belonging to any of the following classes may be committed to said reformatory: First, persons between the ages of sixteen and twenty-five years who are convicted for the first time of offenses which may be punished by imprisonment in the State prison for a shorter period than life. In the case of offenders of this class between the ages of sixteen and twenty-one years it shall be incumbent on the trial court to commit them to the reformatory, and in the case of offenders of this class between the ages of twenty-

one and twenty-five years the trial court may commit them to the reformatory if they seem to be amenable to reformatory methods. The judge imposing a reformatory sentence on offenders of this class shall not fix the term unless it exceeds five years, but shall merely impose a sentence of imprisonment in the reformatory. Any offender in this class sentenced to the reformatory may be detained therein for not more than five years, unless he is sentenced for a longer term, in which case he may be held for such longer term. Second, persons between the ages of sixteen and twenty-five years, never convicted of an offense which may be punished by a maximum imprisonment of one year in jail. Commitment of offenders of this class to the reformatory shall be at the discretion of the trial court. Offenders of this class shall not be sentenced to the reformatory for a definite term, but may be detained therein for not more than three years. Third, persons, between the ages of sixteen and twenty-five years, never convicted of an offense may be punished by imprisonment in the State prison, who are convicted of an offense which may be punished by a maximum imprisonment of less than one year, but not less than six months, in jail. Commitment of offenders of this class to the reformatory shall be at the discretion of the trial court. Offenders of this class shall not be sentenced to the reformatory for a definite term but may be detained therein for not more than two years. Fourth, inmates of the Connecticut School for Boys, between the ages of fourteen and twenty-one years, whom the trustees of said institution desire to have transferred to the reformatory, and whom the directors of the reformatory are willing to receive. Offenders of this class may be detained at the reformatory for the same period for which, except for their transference to said reformatory, they could have been held at the school for boys. When a person is sentenced to the reformatory for an offense for which a fine is provided by law as a supplementary penalty, the trial court shall impose no such supplementary penalty.

### PROBATION OFFICERS.

P. A., 1905, ch. 142.

An act amending an act providing for the appointment of probation officers, defining their duties, and providing for the separate trial of juvenile offenders.

*Be it enacted by the Senate and House of Representatives in General Assembly convened.*

SECTION 1. Chapter 126 of the public acts of 1903 is hereby amended to read as follows:

The judge of every superior court and of every criminal court of common pleas may, and the judge of every district, police, city, borough, and town court shall, appoint, within three months after the passage of this act, one or more probation officers, male or female, to act under the direction of such court, and may remove them at pleasure.

SECTION 2. The duties of such probation officers shall be: (1) To investigate the case of any person brought, or about to be brought, before the court, under whose direction he is a probation officer, for any misdemeanor, or any delinquency rendering such person liable to be committed to any humane or reformatory institution, or any crime not punishable by imprisonment in the State prison, the object of such investigation being to ascertain the history and previous conduct of the person so arrested and such other facts as may show whether he or she may properly be released on probation under the provisions of this act, and after an arrest such probation officer shall, whenever possible, have opportunity to confer with the accused before his arraignment in court.

(2) To report to the court the facts so ascertained. (3) To preserve complete records of all such cases investigated, including descriptions sufficient for identification, with the findings of the court, its action in the case, and the subsequent history of the probationer, in such form as may be prescribed under the provisions of this act. Such records shall be a part of the records of said court and shall at all times be open to the inspection of all officers of the court. (4) To make such other reports as the court may direct or as may be by law required. (5) To take charge of all persons so placed on probation under such regulations and for such time as may be prescribed by the court, giving to each probationer full instructions as to the term of his release upon probation, and requiring from him such periodical reports as shall keep the officers informed as to his conduct.

SECTION 3. Whenever any minor shall have been arrested, the probation officer shall, as soon after the arrest as practicable, be notified by the police in order that he may, before the trial, ascertain the facts in the case. Pending such investigation, the court may commit the accused to the custody of the probation officer.

P. A., 1915, ch. 56.

An act amending an act concerning persons on probation.

SECTION 4. Section 4 of chapter 142 of the public acts of 1905, as amended by section 1 of chapter 1 of the public acts of 1907 and by section 1 of chapter 106 of the public acts of 1911, is hereby amended to read as follows:

In cases within its jurisdiction, except in cases of commitment to the State prison or to the reformatory, any criminal court, or the judge who held such court, after the adjournment of the term, after hearing, may adjourn the case or suspend sentence and commit the accused to the custody of a probation officer, or to the custody of a probation officer pro tempore to be appointed by such judge, for such time, not exceeding one year, as the court may fix. If the sentence is to pay a fine and to stand committed until the same is paid, the fine may be paid to such probation officer at any time during the period of probation, whereupon the order of commitment shall be void. Such officer shall give a receipt for every fine so paid, shall keep a record of the same, shall pay the fine to the clerk of the court, except in cases in the superior court or court of common pleas, in which such payment shall be made to the State's attorney or the prosecuting attorney of such court before the expiration of the quarter in which such fine is collected, and shall keep on file such attorney's receipt therefore.

P. A., 1915, ch. 64.

An act amending an act concerning the appointment of the probation officers and defining their duties.

SECTION 5. Section 5 of chapter 142 of the public acts of 1905 is hereby amended to read as follows:

Every person placed on probation under the provisions of this act shall, during the term fixed for such probation, observe all rules prescribed for his conduct by the court, report to the probation officer as directed, and maintain a correct life. In case of failure to meet any of these requirements, and at any time prior to the final disposition of the case of any person placed on probation in the custody of a probation officer, such officer may arrest, without a warrant or other process, and bring him before the court or any judge thereof, or such court or judge may issue a warrant directing that he be arrested and brought before the authority issuing such warrant. The court or judge before whom such person is brought may revoke the suspension of the execution of his sentence, whereupon his sentence shall be in full force and effect, or such



court or judge may continue the suspension of the execution of his sentence, whereupon his sentence shall be in force and effect, or such court or judge may continue the suspension. Probation officers shall not be active members of any regular police force, or sheriffs, or deputy sheriffs, but shall, in the execution of their official duties, have all the powers of police officers. The records of any of such probation officers may at all times be inspected by the chief of police of any city or town or the sheriff or deputy sheriff of any county.

P. A., 1907, ch. 172.

An act amending an act concerning the compensation of probation officers. (Approved June, 1907.)

*Be it enacted by the Senate and House of Representatives in General Assembly convened.*

SECTION 1. Section 6 of chapter 142 of the public acts of 1905 is hereby amended by striking out in the tenth and eleventh lines thereof the words "and by the treasurer of the city, borough or town in which such police, city, borough, or town court is held" and inserting in lieu thereof the following: "and, in the case of probation officers appointed for city, borough, and town courts, in the same manner as the other officers of said courts are paid," so that said section as amended shall read as follows:

Probation officers shall be reimbursed for all necessary expenses incurred in the prosecution of their duties under this act, and shall receive compensation for actual service in cities of fifty thousand inhabitants or over at such rate not exceeding four dollars per day, and in all other cities or towns of the State at such rate not exceeding three dollars per day, as may be fixed by the court appointing such officers, said compensation and expenses to be paid, upon the order of the court, by the county treasurer of the county in which such superior court, criminal court of common pleas, or district court is held, and in the case of probation officers appointed for city, borough, and town courts, in the same manner as the other officers of said courts are paid.

P. A., 1905, ch. 142.

SECTION 7. In case of the absence of the probation officer, any court may appoint a probation officer pro tempore, who shall have all the powers and perform all the duties of the probation officer, and who shall receive as compensation for each day's service a sum equal to the rate per day of the salary of the probation officer, to be paid in the manner provided in the preceding section.

SECTION 8. Any justice of the peace before whom is brought a person who, in his judgment, ought to be released on probation, may appoint a probation officer pro tempore for the care of the accused, who shall serve without compensation.

SECTION 9. Every person placed in charge of a probation officer according to the provisions of this act shall be considered the ward of said probation officer within the provisions of 2695 of the general statutes. Any interference with said probation officer or with any person placed in his charge shall render the person so interfering liable to the provisions of section 1274 of the general statutes.

P. A., 1915, ch. 68.

An act amending an act concerning the appointment of probation officers. (Approved May 13, 1915.)

SECTION 10. Section 10 of chapter 142 of the public acts of 1905 is hereby amended to read as follows:

The probation service of the State shall be under the general supervision of the Connecticut Prison Association, whose officers shall prepare such blanks for

reports, and such books for record, including a description of each probationer sufficient for identification, as may be required for the efficiency of his service, and said books and blanks shall be provided by the comptroller and furnished to all probation officers at the expense of the State. The clerk of every court by which a probation officer is appointed under this act shall forthwith notify said prison association of the name of the officer so appointed. Every probation officer shall make a quarterly report to said prison association in such form as said prison association shall direct. Said prison association shall annually make a report to the governor on the operation of the probation system and its results, with recommendations for the improvement of the service. The comptroller is hereby authorized to pay, on the requisition of the secretary of the Connecticut Prison Association, a sum not exceeding sixty dollars per month for clerical services to carry out the provisions of this act.

### LAWS PASSED IN 1917.

P. A., 1917, ch. 308.

An act concerning juvenile offenders. (Approved May 16, 1917.)

*Be it enacted by the Senate and House of Representatives in General Assembly convened.*

SECTION 1. In all criminal cases in which the defendant is a child under fourteen years of age, except when such a child is taken into custody in the act or upon speedy information, service of process shall be by summons unless the authority issuing the writ is of the opinion that the accused may abscond, in which case, or when the accused has failed to obey such summons, he may be arrested upon such process.

SECTION 2. In all cases where a child under fourteen years of age is taken into custody or arrested, the accused shall be confined in a detention home provided by the municipality or placed in the care of some suitable person, a probation officer, or a charitable institution pending the disposition of the case.

SECTION 3. Towns are authorized to provide or maintain detention homes for children or such persons accused of crime as in the opinion of the judge are in need of reforming rather than punitive treatment.

SECTION 4. The superior court, district court of Waterbury, courts of common pleas, and police, town, city, or borough courts, and justices of the peace, shall hear complaints against all children under eighteen years of age, in chambers, in the case of the first prosecution, unless the offense charged is one that shall be punishable by imprisonment in the State prison or by the death penalty. Upon a subsequent prosecution, it shall lie within the discretion of the court hearing the prosecution whether such complaint shall be heard in chambers.

SECTION 5. The authority issuing the writ may commence criminal proceedings against any defendant between the ages of fourteen and eighteen years by summons rather than by arrest, and may confine or detain such defendant in accordance with the provisions of section two.

SECTION 6. Such courts shall keep in separate dockets, which shall not be open to the public, record of the first prosecution against any accused under the age of eighteen years, unless there is a conviction of an offense of so aggravated a nature as to necessitate a punishment by imprisonment or infliction of the death penalty. Upon a subsequent prosecution of such defendant, the court shall make a public record of the prosecution, if in the court's discretion such a record should be made. The court may use the name of the accused to make all necessary reports or orders for payments of costs.

CHAPTER 300, SECTION 7. Cities having a population of twenty thousand or more may, by ordinance or by-laws, provide for juvenile court to be conducted by a judge of the police or city court of such municipality, provided such ordinances or by-laws shall not extend beyond the selection of a suitable court room and such other accommodations for such court as the judge thereof shall deem necessary and proper.

P. A., 1917, ch. 270.

An act concerning homes for children.

Section 1 amends section 1 of chapter 62 of public acts of 1911, as follows: No orphan asylum, children's home, or similar institution, unless specially chartered by the State, and no person or group of persons, whether incorporated for the purpose or not, shall care for or board dependent children, under 16 years of age, of other persons, in any number exceeding two at the same time, in the same place, without a license obtained from the board of charities; provided county commissioners, city boards of charity, selectmen of towns, and similar official trustees shall not be subject to the provisions of this act.

P. A., 1917, ch. 301.

An act concerning homes for dependent and neglected children. (Approved May 16, 1917.)

Section 2791 of the general statutes is amended to read as follows: In each county the board for the management of temporary homes for dependent children shall meet at least once in each three months for the purpose of attending to the duties imposed upon it by law, and notice of such meetings shall be sent to each member by mail at least three days prior thereto by the chairman of said board. At the meeting of said board in each county in the full months of each year the town committees, of the several towns in the county, and one or more of the supervisors of the State board of charities, shall meet with said board for the purpose of suggesting such provisions, changes and additions as they may think desirable in the temporary home, and assisting said board in the selection of family homes for the children in the temporary home, and advising said board of the results of their visits to children in family homes; and like notice of such meeting shall be given to the town committees at least five days prior thereto by the chairman of said board. Said board in each county shall have full guardianship and control of each child committed to the temporary home for such county until such child shall have reached the age of eighteen years, or each guardianship and control shall have been legally transferred, or another guardian appointed by the probate court with the consent of said board; and said board in each county shall have power to place any child committed to the temporary home of the county at such employment and cause the child to be instructed in such branches of useful knowledge as may be suited to the age and capacity of the child for such term of years, not extending beyond the child's seventeenth year, as will inure to the benefit of the child. Parents whose children have been supported by a temporary home for three years shall not be entitled to their earnings or services after they have become eighteen years of age.

### DUTIES OF CONNECTICUT PRISON ASSOCIATION IN SUPERVISING PROBATION WORK.

After the passage of the act establishing probation in Connecticut a special meeting of the executive committee of the Connecticut Prison Association was held in the State Capitol on July 15, 1903, at which the work devolving upon

the association under the provision of the act was formally accepted and the following vote was passed :

**Voted:** The Secretary is hereby authorized and directed to prepare and issue all blank forms required in the probation service of this State, in accordance with the provisions of chapter 126, public acts of 1903 (section 8), keep a record of all appointments of probation officers in Connecticut, receive and properly file all reports from them, and in general do all things required of this association by the law aforementioned, according to his discretion and understanding of the same, and under the special direction of the president of this association.

At the annual meeting of the Connecticut Prison Association held in the State Capitol on September 30, 1903, the following vote was passed :

**Voted:** There shall be a standing committee, known as the standing committee on probation, to consist of five members, to be appointed by the president of the association, and to hold office for two fiscal years ending with September 30, 1905, and thereafter until their successors shall be duly appointed.

The duties of this committee shall be such as are placed upon the Connecticut Prison Association by section 8 of chapter 126, public acts of 1903.

All matters concerning the probation service (that relate to this association) shall be referred to this committee, and the secretary of the association shall act under the direction of this committee in matters pertaining to the probation service. This committee shall meet at the call of its chairman.

## **SUMMARY OF BILLS INTRODUCED IN 1917 TO ESTABLISH JUVENILE COURTS IN CONNECTICUT.**

In the session of the legislature of 1917 three bills to establish juvenile courts were presented. One was a bill concerning the establishing of juvenile departments in the several probate districts of this State to be operated in connection with the several probate courts thereof for the treatment of dependent, neglected, and delinquent children, and those otherwise in need of the discipline, care, or protection of the State. Under the terms of this act juveniles were to be considered as those who, under the age of 18 years, were dependent, neglected, delinquent, or defective.

The bill provided that any person having knowledge or information that a child under the age of 18 came under the jurisdiction of the act might petition the court of probate to bring such child before the court. The judge should order an investigation to be made by a probation officer or some other person and order the child, together with the parents or guardian or person having the custody of the child, to show cause why the child should not be dealt with according to the provision of the act. The judge of probate might summon the child, and pending a hearing of the case the child might be released upon its own recognizance or released in the custody of a probation officer, its parent, or other person.

If it were found necessary to detain the child until the hearing, no child under the age of 16 could be placed or confined in a jail, common lockup, or other place where adult criminals or offenders were confined. If, after hearing the case, the court was satisfied that the child was in need of the care or discipline and protection of the State, he might place the child in the care of the probation officer to remain in its own home, or be placed in a suitable family home, subject to the supervision of the probation officer, or might authorize the child to be boarded out in some suitable family home, or might commit such child to such proper institution, State or private, or to any institution, association, or corporation willing to receive it.

If upon examination the courts should find any child coming before it to be suffering from an incurable disease, such child might be committed to the home for incurables, or other proper institution, or if, upon examination by an alienist or psychopathic institute, the child should be found to be feeble-minded or mentally defective, such child might be placed in the school for feeble-minded or other proper institution.

The court should have authority to exclude the general public and those not directly interested in the case from the room wherein a hearing involving any child was held. Appeals might be taken from any final order or judgment of the probate court to the superior court of the county within which the probate court was located. The judges of the probate courts were to have authority to arrange with any society or association situated in the county within which the court was located to furnish a temporary home for any children brought before the court.

For the districts of Hartford, New Haven, Waterbury, Bridgeport, there were to be not less than two paid probation officers, at least one of whom should be a woman. For the districts of Bristol, Berlin, Derby, Naugatuck, Wallingford, Norwalk, Torrington, New London, Stamford, Windham, Norwich, Danbury, Greenwich, and Middlesex not less than one paid probation officer was to be appointed. In the remaining districts, the judges might, in their discretion, appoint one or more paid probation officers. In addition, the judges were to be allowed to appoint one or more voluntary probation officers.

The probate judges might also appoint not less than 6 nor more than 10 reputable inhabitants of the respective probate districts of which one-half should be men and one-half women, to serve without compensation and be called "The Advisory Board of the Juvenile Department of the District of ———." This board was to visit as often as twice a year all institutions, societies, associations, or agencies receiving children under the provision of the act and to advise and cooperate with the judge upon all matters affecting the workings of the act, and to hold examinations for the selection of officials to be appointed under the act. It was to be the duty of the judge of the court at least once a year to visit each institution in his district in which children had been detained, or to which they had been committed.

There was to be appointed by the governor a State juvenile court and a probation committee of not less than seven members, two judges of probate or ex-judges of probate, one expert in mental diseases, and at least two women to be members. This committee was to confer together at least once yearly relative to the provisions of the act and to formulate methods of procedure and treatment of juveniles.

The judges of probate, juvenile departments, were to receive as compensation for their services the same rate as do the judges of probate of their respective districts for hearings contested and uncontested, and any other fees which in their respective districts and under the laws of the State were applicable for work of a similar nature or character. The expense of the operation of the court was to be borne by each town, city, or borough in the respective probate districts proportionately according to the number of cases presented from said city, town, or borough with respect to the grand list thereof.

When this bill was given a hearing before the judiciary committee, a number of amendments were offered in a substitute bill. The most important limited the number of districts and made mandatory the appointment by the governor of five judges qualified for the work of children's cases. Said judges were to meet annually and arrange for and agree upon assignments of themselves, arranging such assignments so that each judge's work while sitting and holding

court should be confined to and bounded by the county lines of one or more counties. It was suggested that Fairfield, Hartford, and New Haven Counties should each have the services of one judge, that another judge should have jurisdiction over the cases in Litchfield and Middlesex Counties and another judge in Windham, Tolland, and New London Counties. These judges were to be appointed for terms of eight years and receive an annual salary of \$2,000, together with the sum of \$500 for expenses. The judges were to be termed and known as juvenile department judges. The bill called for an appropriation of \$18,000. The bill received an unfavorable report from the committee.

A second bill introduced at the legislative session of 1917 was an act amending the charter of the city of New Haven. Three courts were to be established in New Haven, one known as the city court of New Haven for the trial of civil cases, a second known as the police court of New Haven for the trial of criminal cases, and a third known as the court of domestic relations of New Haven for the trial of criminal cases involving domestic relations and offenses committed by minors in the city and town of New Haven.

The three judges to preside over these courts were to be appointed by the general assembly and hold office for the term of two years. The judge of the police court was empowered to appoint a city attorney, an assistant city attorney, and a clerk of the court. The judge of the city court was to appoint one clerk of the court and the judge of the court of domestic relations was to appoint another clerk of the court.

The act was introduced at the request of the Civic Federation of New Haven. When the act came up for a hearing before the committee it was withdrawn and a substitute was offered, an act amending the charter of the city of New Haven concerning the city court. The act called for the establishment of a court for the trial of criminal causes in the city and town of New Haven involving domestic relations and offenses committed by minors under the age of 18 years, which court was to be known as the court of domestic relations of New Haven. The substitute varied but little from the original bill except that there was no separation of the city and police court with the appointment of a separate judge to preside over each. The judge of the court of domestic relations was to appoint a prosecuting attorney and a clerk.

In relation to criminal matters involving domestic relations and to offenses committed by minors under 18 years of age this court was to have within the city and town of New Haven all the powers which justices of the peace in the towns of the State have in all matters of a criminal nature and was to have jurisdiction in all crimes and misdemeanors involving domestic relations, or committed by minors under 18 years of age within the city, either before or after the passage of the act, the punishment whereof inflicted by the court should not exceed a fine of \$200 or imprisonment in a common jail or workhouse for six months, or both such fine and imprisonment. It was to have authority to bind over to the superior court in cases not within the jurisdiction of this court. Under certain conditions appeals might be taken from the decision of this court to the criminal term of the court of common pleas next hereafter held in New Haven.

Since at present two judges in New Haven preside over the civil and criminal cases in the city court and alternate as need arises, the principal change proposed by this amended act was the establishment of a court of domestic relations with a third judge to preside over it. The bill received an unfavorable report from the committee and was not passed.

**Industrial Series:**

- No. 1. Child-Labor Legislation in the United States, by Helen L. Sumner and Ella A. Merritt. 1181 pp. and 2 charts. 1915. Bureau publication No. 10. Bureau supply of complete volume exhausted, but reprints can be obtained as follows:

Child-Labor Legislation in the United States: Separate No. 1. Analytical tables. 475 pp. and 2 charts.

Child-Labor Legislation in the United States: Separates Nos. 2 to 54. Text of laws for each State separately.

Child-Labor Legislation in the United States: Separate No. 55. Text of Federal child-labor law. 1916.

- No. 2. Administration of Child-Labor Laws:

Part 1. Employment-Certificate System, Connecticut, by Helen L. Sumner and Ethel E. Hanks. 69 pp. and 2 charts. 1915. Bureau publication No. 12.

Part 2. Employment-Certificate System, New York, by Helen L. Sumner and Ethel E. Hanks. 164 pp. and 3 charts. 1917. Bureau publication No. 17.

Part 3. Employment-Certificate System, Maryland, by Francis Henry Bird and Ella Arvilla Merritt. — pp. 2 charts. 1918. Bureau publication No. 41. (In press.)

- No. 3. List of References on Child Labor. 161 pp. 1916. Bureau publication No. 18.

- No. 4. Child Labor in Warring Countries: A brief review of foreign reports, by Anna Rochester. 75 pp. 1917. Bureau publication No. 27.

**Rural Child-Welfare Series:**

- No. 1. Maternity and Infant Care in a Rural County in Kansas, by Elizabeth Moore. 50 pp., 4 pp. illus., and 1 chart. 1917. Bureau publication No. 26.

Bird and Ella Arvilla Merritt. — pp. and 2 charts. 1918. Bureau

- No. 2. Rural Children in Selected Counties of North Carolina, by Frances Sage Bradley, M. D., and Margaretta A. Williamson. — pp. and — pp. illus. 1918. Bureau publication No. 33. (In press.)

- No. 3. Maternity Care and the Welfare of Young Children in a Homesteading County in Montana, by Viola I. Paradise. — pp. and — pp. illus. 1918. Bureau publication No. 34. (In press.)

- No. 4. Maternity and Infant Care in Two Rural Counties in Wisconsin, by Florence Brown Sherbon and Elizabeth Moore. — pp. and — pp. illus. 1918. Bureau publication No. 46. (In press.)

**Legal Series:**

- No. 1. Norwegian Laws Concerning Illegitimate Children: Introduction and translation by Leifur Magnusson. 37 pp. 1918. Bureau publication No. 31.

- No. 2. Illegitimacy Laws of the United States, by Ernst Freund. — pp. 1918. Bureau publication No. 42. (In press.)

**Miscellaneous Series:**

- No. 1. The Children's Bureau: A circular containing the text of the law establishing the bureau and a brief outline of the plans for immediate work. 5 pp. 1912. Bureau publication No. 1. (Out of print.)

- No. 2. Birth Registration: An aid in protecting the lives and rights of children. 20 pp. 3d ed. 1914. Bureau publication No. 2.

- No. 3. Handbook of Federal Statistics of Children: Number of children in the United States, with their sex, age, race, nativity, parentage, and geographic distribution. 106 pp. 2d ed. 1914. Bureau publication No. 5.

- No. 4. Child-Welfare Exhibits: Types and preparation, by Anna Louise Strong. 58 pp. and 15 pp. illus. 1915. Bureau publication No. 14.

- No. 5. Baby-Week Campaigns (revised edition). 152 pp. and 15 pp. illus. 1917. Bureau publication No. 15.

- No. 6. Maternal Mortality from All Conditions Connected with Childbirth in the United States and Certain Other Countries, by Grace L. Meigs, M. D. 66 pp. 1917. Bureau publication No. 19.

- No. 7. Summary of Child-Welfare Laws Passed in 1916. 74 pp. 1917. Bureau publication No. 21.

- No. 8. Facilities for Children's Play in the District of Columbia. 72 pp., 25 pp. illus., and 1 map. 1917. Bureau publication No. 22.

**Miscellaneous Series—Continued.**

- No. 9. How to Conduct a Children's Health Conference, by **Frances Sage Bradley, M. D., and Florence Brown Sherbon, M. D.** 24 pp. 1917. Bureau publication No. 28.
- No. 10. Care of Dependents of Enlisted Men in Canada, by **S. Herbert Wolfe.** 56 pp. 1917. Bureau publication No. 25.
- No. 11. Governmental Provisions in the United States and Foreign Countries for Members of the Military Forces and their Dependents, prepared under the direction of **Capt. S. Herbert Wolfe, Q. M., U. S. R.,** detailed by the Secretary of War. 236 pp. and 4 diagrams. 1917. Bureau publication No. 28.

**Children's Year Leaflets:**

- No. 1. Children's Year, April 6, 1918, to April 6, 1919, prepared in collaboration with the Department of Child Welfare of the Woman's Committee, Council of National Defense. 8 pp. 1918. Bureau publication No. 36.
- No. 2. Children's Year, Weighing and Measuring Test:
  - Part 1. Suggestions to Local Committees. 8 pp. 1918. Bureau publication No. 38.
  - Part 2. Suggestions to Examiners. 4 pp. 1918. Bureau publication No. 38.
  - Part 3. Follow-up Work. 7 pp. 1918. Bureau publication No. 38.
- No. 3. Children's Year Working Program, prepared in collaboration with the Department of Child Welfare of the Woman's Committee, Council of National Defense. 12 pp. 1918. Bureau publication No. 40.
- No. 4. Patriotic Play Week. Suggestions to Local Committees. 8 pp. 1918. Bureau publication No. 44.
- No. 5. Children's Health Centers. 7 pp. 1918. Bureau publication No. 45.
- No. 6. The Public-Health Nurse: How she helps to keep the babies well. 7 pp. 1918. Bureau publication No. 47.
- No. 7. Back-to-School Drive, prepared in collaboration with the Child Conservation Section of the Field Division, Council of National Defense. 8 pp. 1918. Bureau publication No. 49.
- No. 8. Suggestions to Local Committees for the Back-to-School Drive, prepared in collaboration with the Child Conservation Section of the Field Division, Council of National Defense. 8 pp. 1918. Bureau publication No. 50.
- No. 9. Scholarships for Children, prepared in collaboration with the Child Conservation Section of the Field Division, Council of National Defense. 8 pp. 1918. Bureau publication No. 51.

**Child-Labor Division Series:**

- Circular No. 1. Aug. 14, 1917. Rules and Regulations for Carrying Out the Provisions of the United States Child-Labor Act. (The circular includes the text of this act.) 10 pp. 1917.
- Circular No. 2. June 30, 1918. Decision of the United States Supreme Court as to the Constitutionality of the Federal Child-Labor Law of September 1, 1916. 16 pp. 1918.



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U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C LATHROP, Chief

APRIL 6  
1918

CHILDREN'S YEAR

APRIL 6  
1919

# PATRIOTIC PLAY WEEK

## SUGGESTIONS TO LOCAL CHILD- WELFARE COMMITTEES



CHILDREN'S YEAR LEAFLET NO. 4

Bureau Publication No. 44

PREPARED IN COLLABORATION WITH  
THE CHILD WELFARE DEPARTMENT OF THE WOMAN'S COMMITTEE  
COUNCIL OF NATIONAL DEFENSE  
and  
THE PLAYGROUND AND RECREATION ASSOCIATION OF AMERICA



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1918

Approved: \_\_\_\_\_  
Sept. 1918.  
from  
United States Government.

## **CHILDREN'S YEAR**

### **SUGGESTIONS FOR PATRIOTIC PLAY WEEK**

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*"To provide recreation for children and youth, abundant, decent, protected from any form of exploitation."*

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The primary purpose of the Recreation Drive, of which Patriotic Play Week is the culminating feature, is to increase physical vigor among the children of the United States. It is hoped to do this through the cooperation of organizations promoting wartime activities which require physical strength and skill, and other activities which are equally important in peace and war. Among these organizations are the War Gardens of the United States Bureau of Education, the Junior Red Cross, and the Boys' and Girls' Clubs of the Department of Agriculture, and various athletic organizations for children and youth.

The Recreation Drive aims to promote the games which increase physical adeptness and skill, which train the eye, and develop the ability to respond instantly not only to the direction of the leader but to the need of the game. One purpose of the Drive must be to implant in the minds of the children the idea that keeping themselves fit is patriotic, and that they are serving their country when they makes themselves stronger. Indiana has adopted for the Recreation Drive the slogan, "For a Stronger America."

#### **ORGANIZATION**

The committee's first work in getting ready for Patriotic Play Week is to discover all the organizations in the community which are already at work to protect children's leisure-time activities, and so to enlist their interest as to make the Patriotic Play Week truly a demonstration of all that the community is doing to provide for its children's activities.

The committee will wish to arrange especially for the participation of local recreational organizations. It will need to learn whether there are representatives who can be called upon to demonstrate the work of such organizations as the Boy Scouts, Camp Fire Girls, Girl

Scouts, The Junior Membership Bureau of the American Red Cross, The Drama League of America, The Amateur Athletic Union of the United States, Boys' and Girls' Clubs of the United States Department of Agriculture, The Community Chorus Movement, The War Gardens of the United States Bureau of Education, The Story Tellers' League, The Educational Drama League, The American Folk Dance Society, The Playground and Recreation Association of America. The addresses of these organizations are given on the last page of this leaflet.

An exhibit of the work of some of the organizations, such, for example, as the Boys' and Girls' Clubs, is an already well-established custom each year; and the members of the clubs plan their work throughout the summer with the purpose of showing it at the autumn exhibit.

If there are no suitable organizations already existing, games for the athletic badge tests may be developed under the leadership of individuals who are interested in seeing that the leisure time of the children in their community is protected.

#### DATE.

The first week in September has been suggested for Patriotic Play Week, but it may be more advantageous in some communities to select another date—for instance:

1. The week during which a county fair, grange, bush meeting, or other community gathering is to take place, that the Play Week's exhibit of what the community can do for its children's leisure time may be part of such a neighborhood meeting.

2. A single Saturday or series of Saturdays—possibly during October, when the schools are in session—with the purpose of enlisting the interest of the teachers.

In any event, the date should be chosen in accordance with the needs and convenience of each community.

If it is determined to hold the Week's celebration in connection with a county fair or other gathering, the manager of the fair should be consulted and arrangements for space and hours made for the Play Week exhibit. The exhibit would attract many mothers and fathers to the fair because of their desire to see what their children are doing. If the Week is not to be held in connection with any other community event, much the same plan for the Play Week may still be followed. The Week in any case will have to be varied to utilize the special resources of each locality. In some communities a briefer period than a week may be determined upon.

## PROGRAM SUGGESTIONS.

The Patriotic Play Week gives an opportunity for the children to show what games and other leisure-time activities have done or may do for them. Their exhibit may take several forms:

### 1. ATHLETIC BADGE TESTS OF PHYSICAL EFFICIENCY.

The athletic badge tests might be arranged as a simplified field meet would be. They are offered as a practicable way of testing the physical vigor of boys and girls. They might take place on a stated day during the Play Week. The boys and girls who pass them become eligible for a special certificate—the first in a series of three offered for successive and increasingly difficult tests, to be given at intervals of a year. Certificates may be secured free of charge from the Playground and Recreation Association of America for each child who passes the tests. Descriptions of the tests may be secured from the Child Welfare Department, Woman's Committee, Council of National Defense, Washington, D. C. Fuller directions for conducting them may be secured by writing to the Playground and Recreation Association of America, 1 Madison Avenue, New York, N. Y., for their pamphlets called "Badge Tests."

An excellent means of stimulating the children's interest in keeping strong and in increasing their physical vigor is to repeat these badge tests from time to time, giving an opportunity to the children who are unable to pass them at first to take the tests again 6 weeks or 90 days later. If it is possible to plan for such progressive tests, the children should be informed, and urged to play the games which will increase the likelihood of their passing the tests.

Directions for playing certain good games, which have direct value in promoting physical vigor, will be sent free on application to the Playground and Recreation Association of America.

There are many additional ways in which recreation may be utilized to cultivate physical vigor. The Boy Scouts, for example, do many things which increase the boys' health. Members of such athletic organizations, whether national or local, should have especially good chances of passing the physical tests; and their work should be promoted as part of the Recreation Drive.

### 2. EXHIBITS OF THE WORK OF THE BOY SCOUTS, CAMP FIRE GIRLS, AND GIRL SCOUTS.

The special drills, the first-aid demonstrations, and other characteristic requirements of these organizations enable their members to make peculiarly definite and attractive demonstrations of what the organizations mean. Demonstrations of their special war-time

activities would be especially appropriate. Preparation for these exhibitions should constitute a large part of the summer's play.

For further information consult: Boy Scouts of America, 200 Fifth Avenue, New York, N. Y.; Camp Fire Girls, 31 East Seventeenth Street, New York, N. Y.; and Girls Scouts of America, 527 Fifth Avenue, New York, N. Y.

### 3. EXHIBITS OF THINGS MADE AND RAISED.

(1) The Junior Red Cross auxiliaries may well be called upon to conduct a section of the exhibit in which they can show the things they make, knit, and sew for the soldiers, sailors, and refugees. Information about these auxiliaries can be obtained from local Red Cross Chapter School Committees.

(2) The Canning Clubs of the United States Department of Agriculture will undoubtedly have plans for special exhibits of goods they have preserved and dried in the Nation-wide effort to conserve food; and demonstrations of their methods, at some time during the autumn, are probably contemplated. In many places these exhibits may be planned for the same time as Play Week.

The Boys' and Girls' Clubs of the United States Department of Agriculture are represented on the Advisory Committee on the Recreation Drive, and their leaders are interested in securing better recreation for the club members and in seeing that provision is made for organized play and games such as those contemplated in preparation for Play Week. It is expected that many clubs will wish to hold their exhibits and demonstrations in connection with Play Week, thus making it possible to show the various ways in which the community is providing for the leisure time of the children. The great need of the work which these clubs are doing will make their exhibit particularly timely.

(3) Stock and Poultry Raising Clubs should be asked to enter their chickens, calves, and pigs in another exhibit.

Information about both the Canning Clubs and the Stock and Poultry Raising Clubs may be secured for the Northern and Western States from Mr. O. H. Benson, and for the Southern States from Mr. O. B. Martin, both to be addressed at the Extension Work, States Relation Service, United States Department of Agriculture.

### 4. PAGEANTRY, FOLK DANCES, AND MUSIC.

(1) A fitting climax of the entire summer's effort would be a pageant staged on the last day of Patriotic Play Week. This might be made doubly effective if staged at the county fair. It might begin with a procession or a moving exhibit of all results accomplished, from a given point to a position in front of the grand stand,

where, with symbolic characters participating and the real characters forming a background, a brief drama might be enacted, consecrating both effort and resources to Columbia and the cause of human freedom.

(2) Folk dances of different countries might be given to advantage in many communities, and the children would enjoy getting together to practice them. Assistance in planning folk dances may be secured from Miss Elizabeth Burchenal, American Folk Dance Society, 2790 Broadway, New York, N. Y.

(3) The patriotic appeal of the new songs is strong; and many singing or glee clubs and bands will, it is hoped, be started during the Recreation Drive. People like to get together and sing, and they should be urged to form definite groups to provide the music at the Play Week celebrations. In several States directors of community singing have been appointed under the State Councils of Defense, whose coöperation in Play Week will be valuable. It may be desirable to have a song contest among different choruses and glee clubs; between the boys and girls who have formed themselves into bands and orchestras. Perhaps original patriotic songs might be composed by some one in the clubs and rendered as the musical contribution to the exhibit. In one State an effort is being made to organize penny whistle clubs among the little boys who otherwise might be idling on the streets.

(4) At the 1918 State Fair in Washington there is planned an exhibit of simple toys suitable for children of different ages and of homemade play apparatus. Such an exhibit might well be made a feature of the Play Week. Demonstrations of certain games for young children might be given—for example, work in sand boxes, and floor games. In this connection, the sections on outdoor and indoor play in "Child Care" will be helpful.<sup>1</sup>

Some clubs or organizations of women might be asked to take charge of serving meals at the exhibit if that seems desirable. It should be possible in this way to defray at least part of the expenses of the Week.

### AWARDS.

Some places may wish to give awards for each one of the exhibits outlined above which they determine to hold. In that case a carefully selected committee of judges would, of course, have to be appointed. The ingenuity of local committees would determine the awards—possibly different colored ribbons might be used. In any case the prizes should not be elaborate nor expensive.

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<sup>1</sup> Child Care, by Mrs. Max West, may be secured free of charge from the Children's Bureau, United States Department of Labor, Washington, D. C.

When the Recreation Committee has surveyed the resources of its community for recreation it will be able to choose which of these exhibits it will want to undertake. Local talent will doubtless be able to invent other demonstrations particularly adapted to the community's special abilities.

In each exhibit some one person should be made responsible for seeing that everything is made ready, and that the children are collected and prepared to do their parts on time. But above all, that person and every member of the committee should see that all the children who take part in the exhibit enjoy what they do; that they find real fun in getting ready; that they do outdoor things, and practice outdoors; that in every way the preparation itself counts as protection of their leisure time.

### **LIST OF ORGANIZATIONS FROM WHOM ADVICE CAN BE SECURED.**

- Amateur Athletic Union of the United States, 290 Broadway, New York, N. Y.
- American Folk Dance Society, 2790 Broadway, New York, N. Y.
- American Red Cross, Bureau of Junior Membership, Washington, D. C.
- Boy Scouts of America, 200 Fifth Avenue, New York, N. Y.
- Boys' and Girls' Clubs, Cooperative Extension Work, United States Department of Agriculture, Washington, D. C.
- Camp Fire Girls, 31 East Seventeenth Street, New York, N. Y.
- Drama League of America, 306 Riggs Building, Washington, D. C.
- Educational Drama League, 105 West Fortieth Street, New York, N. Y.
- Girl Scouts of America, 527 Fifth Avenue, New York, N. Y.
- National Story Tellers' League, 3 Kennedy Street, NW., Washington, D. C.
- New York Community Chorus—Mr. Harry Barnhart, 2410 Webb Avenue, New York, N. Y.
- Playground and Recreation Association of America, 1 Madison Avenue, New York, N. Y.
- United States School Garden Army, United States Bureau of Education, Washington, D. C.



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U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU  
JULIA C. LATHROP, Chief

APRIL 6  
1918

CHILDREN'S YEAR

APRIL 6  
1919

# Children's Health Centers



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CHILDREN'S YEAR LEAFLET NO. 5  
Bureau Publication No. 45



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1918



*The Bureau*

## **CHILDREN'S HEALTH CENTERS.<sup>1</sup>**

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In the campaign to save the lives of 100,000 children during the second year of the war it is hoped that many children's health centers will be established, for they have proved their value in saving children's lives. In response to numerous requests for information as to how to establish such centers this circular has been prepared.

### **PURPOSE.**

The purpose of a children's health center is "to keep well children well"—to make available to all the mothers of a community knowledge of the way to prevent needless sickness.

The essentials of a successful health center are a good doctor and a good public-health nurse who understands children, a mother and a child, and a room in which to meet. To such centers children are brought once a week by their mothers. There they are weighed by the nurse and a record kept of their weight and development. The physician in attendance sees each child, advises the mother about the feeding, and urges her to nurse her baby if possible. Through such advice many mothers who would otherwise wean their babies continue to nurse them. If breast feeding is impossible the doctor advises the mother about the preparation of artificial food. The doctor and the nurse tell her of the methods by which she can keep her child well, for example, through the hot summer weather. The nurse then visits her in her home and shows her how to carry out the doctor's instruction.

Children who are ill are not cared for at these centers but are referred for care to the family physician or to a hospital or dispensary.

Prenatal care, or the care and instruction of women before confinement, is often carried on through the same centers.

### **NEED.**

The Public Health Commission of New York State in 1913 recommended that "each city with a population in excess of 10,000 and having an industrial population should have one infant welfare sta-

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<sup>1</sup> Sometimes called infant welfare stations.

tion, and larger cities with an industrial population should have one such welfare station for approximately each 20,000 inhabitants."

In industrial communities and in those having a large foreign population children's health centers have been especially successful.

## **ESTABLISHMENT.**

The first step in their establishment should be to secure the co-operation of responsible physicians and also of the local visiting nurse association, if such exists. In some cases an agency establishes a children's health center and employs a nurse; in other cases the agency establishes it and the nurse is supplied by the local visiting nurse association. Associations interested in the establishment of these centers gain much help by sending a representative to see the work in a city where one has been in successful operation for some time.

There is a growing tendency on the part of municipalities to undertake the establishment of these centers, either assuming the entire responsibility for them or working in cooperation with other agencies. Most of the principal cities of this country are looking upon their establishment as a necessary part of the preventive work of departments of health under special divisions of child hygiene. New York City is a notable example of the development of this work.

## **STAFF.**

*Attending physicians.*—In each community the best method of selecting a medical director and attending physicians must be decided according to local conditions. The cooperation and understanding of the local medical society is essential. These are best secured by making plain that the purpose of the center is to keep well children well, not to care for those that are ill.

*Nurse.*—The nurse is a very important factor in the undertaking. Her work in the homes, in helping mothers to follow the advice of physicians, is essential. No center can be a success without a good nurse who has had special training or experience in public-health work with children. Information in regard to public-health nursing is to be found in the leaflet on Follow-up Work for Children's Year,<sup>1</sup> and in other bulletins which may be obtained on application to the Children's Bureau, United States Department of Labor, Washington, D. C. The National Organization for Public Health Nursing, 105 Fifth Avenue, New York City, will furnish literature and advice on this subject.

<sup>1</sup> Children's Year Leaflet No. 2, pt. 3, p. 4. U. S. Children's Bureau Publication No. 38.

**Volunteers.**—Volunteers who can be depended upon for regular work can be of great assistance to the nurse at the center in receiving mothers, filling out record sheets, and, after a little practice, in weighing the babies.

## LOCATION.

The health center should be placed near the center of the district in which its work is most needed. A study of the location of the infant deaths in a city (as shown on a spot map) will often determine where the need is greatest. Convenience for the mothers is a prime necessity.

Rooms for a health center may often be obtained in schoolhouses, rent free. These make excellent quarters if the consultation hours can be arranged on Saturday or after school hours. It may be established in a schoolhouse during the summer months also. In smaller communities free quarters may sometimes be secured in the city hall or courthouse. In some cases it will be necessary or advisable to rent suitable rooms.

## SIZE.

It is desirable to have two rooms, but if this is not possible one room will serve, with one corner partitioned or screened off. One room or corner of room is used for a waiting room for the mothers; here the babies are undressed. In the other room the babies are weighed and the mother consults with physician and nurse.

## EQUIPMENT.

The essential equipment is very simple, though it may be elaborated if circumstances permit. It consists of the following:

Standard scales for weighing babies. A platform scale, upon which is fastened a shallow tray from which a baby can not fall out, is often used with success. A very large scoop, firmly fastened to the scales, may also be used. Scales should be tested frequently for accuracy.

Two tables, covered with oilcloth.

Pad for examining table, blanket, and sheet.

Chairs; enough to accommodate the doctor, nurse, and mother.

One pail; running water, if possible; if this is not obtainable, bowl, pitcher, and slop jar should be provided.

Wooden tongue depressors.

Paper napkins or paper towel; or, what is less expensive, tissue paper, which may be bought by the ream and cut into the needed sizes. A fresh piece of paper should be placed in the scales before each baby is weighed and on the table pad before each examination.

Record cards. No standard record card for children's health centers has been devised. Those in use by agencies carrying on the work in the larger cities may be studied before printing cards for local use.

## DISPENSING MILK.

Formerly many health centers dispensed milk, but at present far fewer are doing so. Where the general milk supply is a safe one, it has been found better to advise mothers to obtain milk from the regular milk companies and to confine the work of the center to supervision and advice. When this method is followed and milk and ice, free or at reduced cost, are necessary in special cases, they are obtained through the local charity organization society, to whom the family is referred.

The work of milk stations will not be taken up in this circular.

## HOURS OF CONFERENCE.

Conferences should be held at least every week on the same day and at the same hour. If the attendance is great, more frequent consultations will be necessary. Much of the success of the center will depend upon setting the day and hour of the conference at a time convenient for the mothers.

## COST OF ESTABLISHING AND OPERATING.

The initial cost of equipment need not be great if the equipment is as simple as that described. The scales are the chief item of expense. The cost of operation includes the following items:

Salary of nurse, which is the chief expense. The salary of a good nurse varies between \$75 and \$125 per month.

Salaries of attending physicians, unless their services are given free.

Rent of rooms, if they are not obtained rent free.

Cleaning.

Supplies (tissue paper, tongue depressors, record cards).

## LITERATURE FOR DISTRIBUTION.

Leaflets and pamphlets on the care of the baby and of the mother are distributed at many children's health centers. Many State and city departments of health and certain Federal agencies will furnish excellent literature for this purpose. A list of these is given in Baby Week Campaigns (revised edition), which may be obtained upon application to the Children's Bureau.<sup>1</sup>

The bulletins in the Care of Children Series published by the Children's Bureau are: No. 1, Prenatal Care; No. 2, Infant Care; No. 3, Child Care; and No. 4, Milk the Indispensable Food for Children.

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<sup>1</sup> United States Children's Bureau Publication No. 15, Miscellaneous Series No. 5, pp. 118-131. Washington, 1917.

Limited quantities of these publications will be furnished for distribution, or samples will be supplied together with blank forms on which the names and addresses of those desiring bulletins should be clearly written. When the lists are returned to the bureau, the bulletins will be mailed directly to the addresses furnished.

## **CHILDREN'S HEALTH CENTERS IN SMALLER COMMUNITIES AND RURAL DISTRICTS.**

Many public health nurses doing infant welfare work in smaller communities and rural districts have found that central headquarters where mothers can meet for conferences have been very successful. Such centers have been established in several county seats in connection with rest rooms for women, and conferences are held on the days on which it is the custom of the women from the country to come to town for shopping. Nurses working in rural counties find that, in addition to such a central headquarters, centers at rural schools throughout the county are needed. The State department of health of one State is planning a series of Children's Health Centers in rural districts. Each center is to be the headquarters of a rural public-health nurse. Medical attendance is to be furnished by a specialist in infant welfare and children's diseases, employed by the State department of health, who will hold conferences at intervals of from one to three months.







U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, *Chief*

**MATERNITY AND  
INFANT CARE**  
IN TWO RURAL COUNTIES IN WISCONSIN

BY

FLORENCE BROWN SHERBON, M. D.

AND

ELIZABETH MOORE



RURAL CHILD WELFARE SERIES No. 4

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## LETTER OF TRANSMITTAL

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U. S. DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU,  
*Washington, April 10, 1919.*

SIR: Herewith I transmit the fourth report prepared by the Children's Bureau in its study of conditions affecting infants and mothers at childbirth in rural areas of the United States. A comparison of such vital statistics as are available for the United States with those of other countries shows 10 other countries with relatively fewer deaths among babies under 1 year of age and 13 other countries with relatively fewer deaths among women from conditions directly related to childbirth.

Considerably more than half the births in the United States occur in rural areas, and, although the mortality rate among babies under 1 year of age is apparently somewhat lower in the rural part of the birth-registration area than in the cities, the difference seems to affect only those babies who have survived the first month of life. For infant deaths during the first month—and these are more than two-fifths of all infant deaths—and for maternal deaths, there is no evidence of a lower average rate in rural than in urban areas. The need for clearer understanding of rural conditions and for constructive measures is plain.

The present unit in the rural inquiry followed the schedule and general plan prepared by Dr. Grace L. Meigs, as director of the bureau's division of child hygiene, and her assistant, Miss Viola I. Paradise. Valuable help in planning the details of the work in Wisconsin was rendered by the Wisconsin State Board of Health and by the extension division of the University of Wisconsin. The field work was done and the report was written by Dr. Florence Brown Sherbon and Miss Elizabeth Moore, of the Children's Bureau staff.

Respectfully submitted.

JULIA C. LATHROP, *Chief.*

Hon. WM. B. WILSON,  
*Secretary of Labor.*





# MATERNITY AND INFANT CARE IN TWO RURAL COUNTIES IN WISCONSIN.

## INTRODUCTION.

### OBJECT OF THE SURVEY.

This report is one of a series of studies undertaken by the Children's Bureau which deal with the conditions surrounding childbirth and infancy in typical rural communities. The subject of maternity care (including prenatal care) is emphasized in these studies because it is one of the main factors influencing a child's chance of being born alive, uninjured, and with sufficient vitality to carry him through the hazardous period of early infancy. How serious and important a problem this is, is indicated by the fact that two-fifths of the deaths of babies in the registration area of the United States—over 60,000 deaths in a year—are due to premature birth, injury at birth, congenital weakness, and malformations,<sup>1</sup> conditions which can be prevented to a great extent through and only through better care of the mother during pregnancy and at confinement. And even this large figure takes no account of the heavy losses—how heavy, no one knows—from stillbirths and miscarriages.

Furthermore, it is a well-recognized fact that even a baby sturdy at birth has a much better chance of life and health if he has a strong, well mother to nurse him and care for him. Yet it is estimated that in one year in the United States "at least 15,000 women \* \* \* died from conditions caused by childbirth,"<sup>2</sup> and the amount of sickness and even permanent invalidism among the mothers of the country caused by preventable complications of childbearing can not even be estimated.

Evidence coming to the bureau from many sources, especially through letters from country women themselves, indicates that the problem of securing adequate medical and nursing care at confinement is especially serious for country mothers; that in some districts and for many mothers such care is practically unattainable, either because of actual isolation or because of the expense resulting from

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<sup>1</sup> Mortality Statistics, 1915, p. 645, U. S. Bureau of the Census. Washington, 1917.

<sup>2</sup> Meigs, Dr. Grace L.: Maternal Mortality from All Conditions Connected with Childbirth in the United States and Certain Other Countries, p. 7. U. S. Children's Bureau Publication No. 19, Miscellaneous Series No. 6. Washington, 1917.

distance from physicians and nurses. Indeed, this appears to be one of the serious handicaps of country life as at present organized; and studies looking toward means for relieving this situation were, therefore, considered urgent by the bureau. The first requisite in facing this, as any, problem is knowledge of the facts.

Three studies of maternity and infant care in rural communities were made in 1916, in representative districts of Kansas, North Carolina, and Wisconsin.

#### FIELD OF THE SURVEY.

As the field of the inquiry in Wisconsin, two counties were chosen, one in the southern and one in the north-central part of the State. These are referred to throughout the report as the northern and the southern counties. Both are fertile agricultural country, in which dairying is the prevailing type of farming. In both there is a considerable industrial population in some of the villages and in certain places in the open country. Both have poor roads; hence travel in the country is apt to be difficult, and many homes are almost isolated. In other respects the two districts are widely dissimilar.

The northern county lies in what was originally lumber country and is still largely in the transition stage from pioneer clearing of "cut-over" land to more settled farming. While some farming communities are well-established and wealthy, the larger part of the county still faces the necessity of ridding the soil of its brush, stumps, and trees before crops can be raised. Consequently, like most pioneer communities, these districts have little money to spend; and many families live on isolated clearings or in remote settlements under primitive conditions. The large majority of the settlers have been German, with an important Polish contingent in addition; both these nationalities cling to their foreign customs and habits of thought and to a certain extent to their languages, making the district as a whole distinctly foreign in its atmosphere. The northern county was chosen in consultation with the State board of health because of the large proportion—about one-sixth, according to preliminary figures—of births attended by midwives. It was considered that a study in such an area would throw light upon the problems of rural midwifery in general. In addition, the county is typical of conditions prevalent over large parts of northern Wisconsin, Michigan, and Minnesota, which were forest territory not much more than a generation ago.

In its general economic and sociological features the southern county is typical of large farming areas on the prairies of southern Wisconsin and Minnesota and northern Illinois. It is situated in the older part of the State, where farming has been well-developed for

more than a generation and has changed little within that period; it is, therefore, a rich, well-established community. While about half its people are of foreign parentage, they are in the main thoroughly Americanized. This county was selected, on the advice of the extension division of the State university, because it is a prosperous but conservative community in which it was hoped that a survey by the Children's Bureau, and the children's health conference to be held in connection therewith, would increase the interest in public provision for the welfare of children. Furthermore, the State vital statistics, showing that this county had in 1914 an infant mortality rate of 115 per 1,000 births, one of the highest rural rates in the State, indicated that problems affecting the health of babies needed special attention.

Both counties were too large to make a survey of the whole area practicable; therefore a limited number of townships, with the villages therein, were covered. These townships were selected with a view to representing as fully as possible the variety and range of conditions in each county.

#### SCOPE AND METHOD.

The survey made in Wisconsin, like that in Kansas,<sup>1</sup> covers two main topics: The conditions affecting the health of the childbearing mother—the general living conditions of the family, the work done by the mother, and the care she received during pregnancy and at the time of confinement; and the care—especially the feeding—and survival of the babies. Throughout these rural surveys, the chief aim has been to give a picture of the district studied, rather than to indicate any connection between certain conditions and the infant mortality rate.

The information upon which the report is based was secured by the bureau's agents through personal interviews with mothers (or, in cases where for some reason the mothers could not be seen, with their near relatives) who had borne children within the two years preceding the survey, and who, when those children were born, were living in the territory covered. As the first step in finding families where there had been births, the names of the parents were copied from the birth certificates of this territory for the designated period. Secondly, a canvass was made in each district to find additional unregistered births. In nearly all cases the information was given by the mother herself. The mothers interviewed were appreciative of the object of the inquiry and answered the many personal questions with generous frankness.

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<sup>1</sup> Moore, Elizabeth: *Maternity and Infant Care in a Rural County in Kansas*. U. S. Children's Bureau Publication No. 26, Rural Child Welfare Series No. 1. Washington, 1917.

Records were filled out for stillbirths as well as for live births within the given period, but not for miscarriages. No attempt was made to interview the mothers of illegitimate children, even in the few cases where such births were registered; in a study dealing with the provision for maternity and infancy in normal families it was considered that a few records of abnormal conditions would add nothing of value.

The records secured do not cover absolutely all the births which occurred, for some families had moved out of reach. The number thus lost was comparatively small, however, because the farming population in the areas studied is not migratory.

In the northern county the survey covered the births of the two years from July 1, 1914, to June 30, 1916; in the southern county the period was from May 1, 1914, to April 30, 1916. In each case this was the two-year period immediately preceding the beginning of the survey.

The report is based upon information concerning 614 families who lived in the selected districts—453 in the northern and 161 in the southern county. In 47 of these families, the mother had borne children twice during the two-year period of the survey and within the districts studied, so that the records cover the history of 661 confinements. Since nine pairs of twins and one set of triplets were born in this group, 672 births are included; 648 of these were live births and 24 still births.

#### SUMMARY OF FINDINGS.

The infant mortality rate in the northern county was low compared to the average for the United States birth-registration area; the stillbirth rate was somewhat higher than the rates found for six of the eight cities in which infant mortality studies have been made by the bureau. The death rate of mothers from causes connected with childbirth was high. Many births were attended by midwives in certain sections of this territory; a proportion as high as four-fifths was found in one of the Polish settlements. Moreover, it was not uncommon for mothers in inaccessible neighborhoods to go without any regular attendant at childbirth. Few women, even among those who had a physician at childbirth, secured any prenatal care; postnatal supervision was rare. Trained nurses were almost never employed for childbed nursing and practical nurses seldom. In many neighborhoods the midwives were the only nurses available who had had any obstetrical training. They gave some care during the lying-in period to about half their patients and also nursed a few mothers who had a doctor at confinement.

In this county the employment of midwives appears to be both a result of isolation in the Wisconsin forests and a survival of European custom. From the point of view of her patients the advantages of the midwife are: First, many foreign women prefer a woman rather than a man to help at childbirth; second, the neighborhood midwife is easier to secure than the doctor and more likely to be on time for the delivery; third, some midwives render nursing service during the lying-in period, which is highly appreciated; fourth, the midwife is much cheaper than the doctor; fifth, in the experience of most of these mothers the midwife whom they and their acquaintances have employed has seemed adequate to the situations which have arisen. On the other hand, some of them have had unfortunate experiences while under the care of physicians. Consequently they have come to believe that they get better service from the midwives.

The chief argument against the midwife is that, while an experienced midwife may be successful in conducting normal deliveries, she is a dangerously uncertain reliance if anything goes wrong; and there is always the possibility that something may go wrong. On an isolated farm it is even more unsafe than in the city to wait until complications have developed before sending for a doctor. A remark made by a Polish father aptly illustrates this point. His wife became sick during pregnancy and, though there was a physician 8 miles away, he sent to the county seat, 25 or 30 miles away, for a doctor whom he knew. He said: "When you get something for protection, like a doctor, you want the best there is. It was worth the money." Substitute the words "an attendant at birth" for "a doctor" in his phrase, and you have the crux of the midwife problem. This father employed a neighborhood midwife for his wife's confinement, two weeks later, because he and his wife regarded childbirth as a normal occurrence and did not realize that she then needed "something for protection—the best there is."

In the southern county the infant mortality rate was higher than in the northern county but the stillbirth rate was lower. Only one mother died at childbirth. Practically all the births were attended by physicians; there were no midwives in practice. The mothers, however, received much less prenatal and postnatal care from their doctors than their safety and the health of their babies required. Furthermore, the situation as to obstetrical nursing was far from satisfactory; trained nurses were difficult to secure and competent "practical nurses" or attendants were too few to fill the need for their services.

In neither district were the housewives on the farms obliged to provide for large crews of hired men at any special season, for dairy farming distributes the farm work more evenly through the year

than does grain farming. But, on the other hand, it was common in both districts for the women to help with the milking and to have more or less dairy work added to their household duties. In the northern district half the farm mothers helped with the field work also, even in some cases with such heavy work as pitching hay and grain or clearing land; many of the Polish immigrant women did practically men's work in the fields in addition to their housework.

In both districts at the sixth month half the babies were exclusively breast fed; at 9 months of age only between one-fifth and one-fourth had been weaned. The record of these Wisconsin mothers for nursing their babies through the first nine months compares favorably with that of city mothers where the Children's Bureau has studied this subject, but is not so good as in the other country districts studied.

Birth registration proved to be defective in both districts, especially the northern.



is much cumbered with stones and even boulders. In this district steep, stony ridges—glacial moraines—are a common feature of the landscape; and the intervening depressions are frequently so poorly drained that swamps result.

### **Climate.**

As far north as this the winters, of course, are severe; but, while the temperature is low, this district does not suffer from the high winds or blizzards which are common farther west on the plains. Fuel is so plentiful throughout the county that the winter cold is not nearly so great a hardship as might be anticipated. The rainfall is usually ample—the year of the survey was an exception—for all crop needs and keeps the pastures luxuriant through the summer.

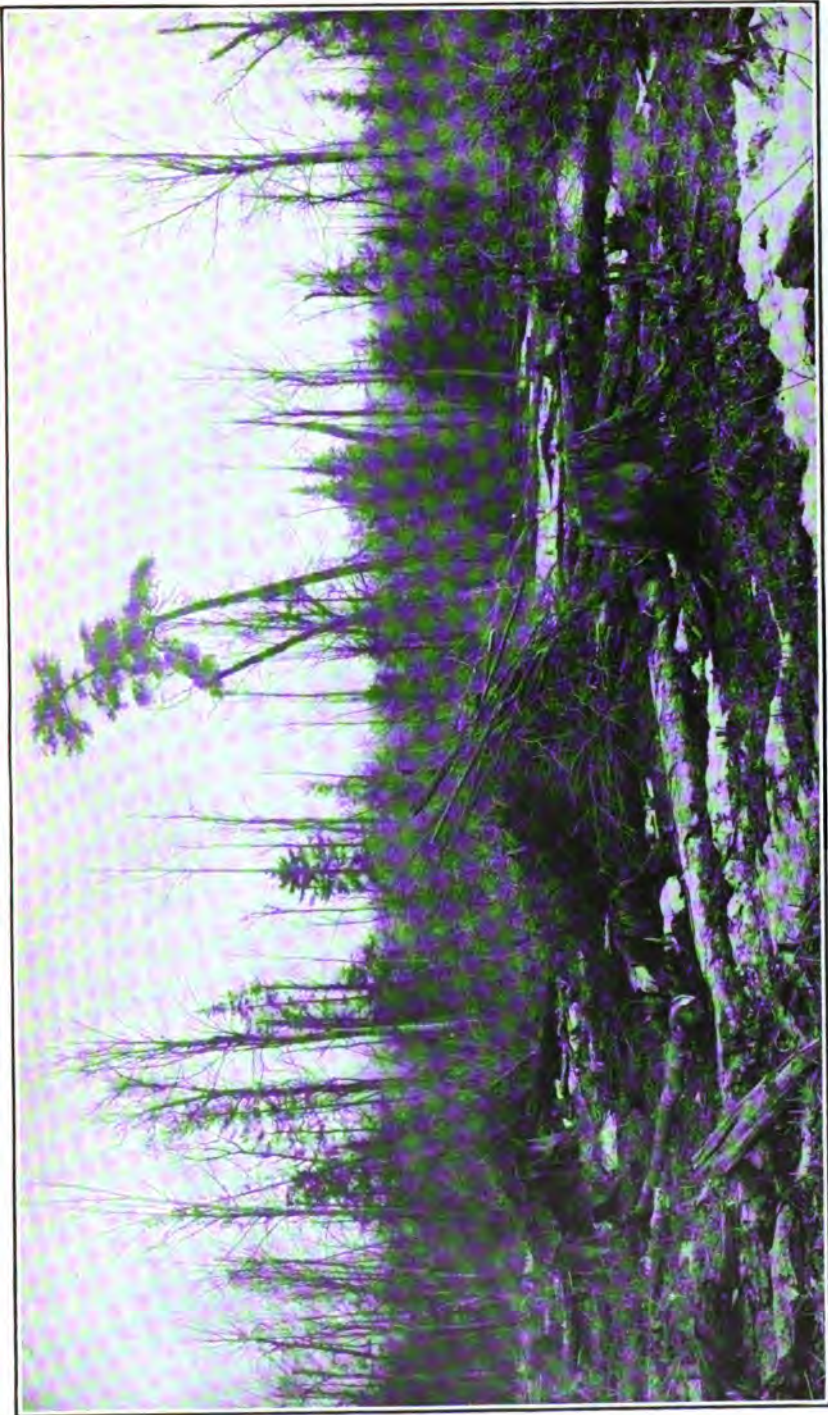
### **Agricultural development.**

All this part of the State was originally forest country, covered with dense growths of hardwood, hemlock, and more scattered pine. The first settlers were lumbermen who came for the pine timber, most of which was removed years ago. Almost the only vestiges of those logging days are the great pine stumps still standing in many places among the lesser timber and brush; and an unpleasant reminder they are, for they are huge—sometimes as large as a small house—and extremely difficult to uproot. In more recent years the hardwood and hemlock have become valuable assets; many tracts of hardwood forest are still standing, but hemlock is now becoming somewhat scarce.

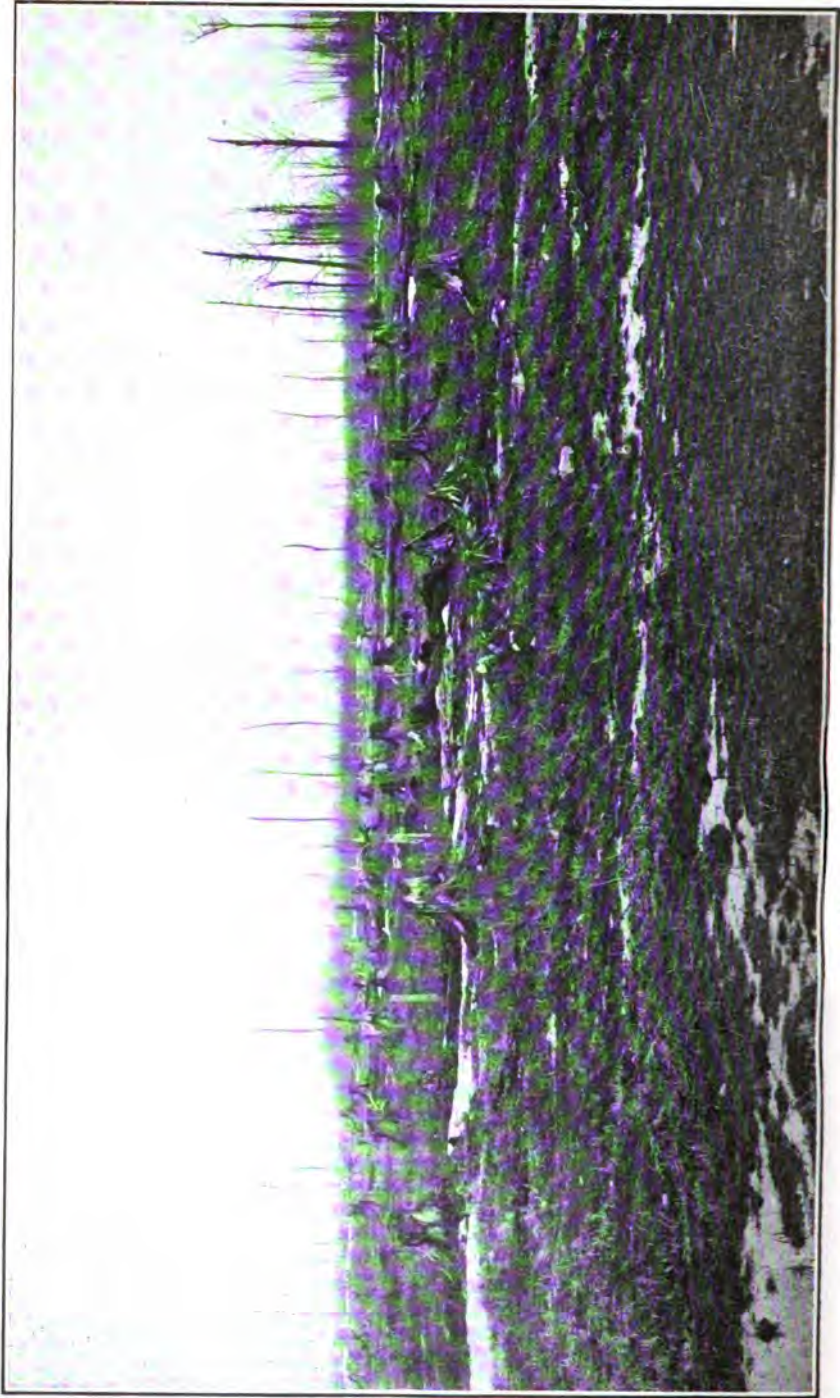
Farming began in certain parts of the county 40 or 50 years ago but did not become an important factor until within the past 25 years. The early agricultural settlements grew up around a number of distinct centers, often separated by miles of forest; this isolation of one part of the county from another still persists to a certain extent. At the present time all stages of development are represented, sometimes not many miles apart. In some of the older districts, on the rich clay soil, the farms are well improved, with ample buildings and wide stretches of cleared land. In such districts farm values are as high and people live as comfortably as in the southern part of the State. The present occupants are in many instances the children of those who cleared the land.

In other districts, pioneer conditions prevail to-day. Large areas of potential farms are still forest or what is called "cut-over land," covered with brush or small timber and full of stumps. Such tracts are largely in the hands of land companies—the successors of the earlier lumbering companies. It is still common for a young husband and wife to buy 80 acres, of which little or none is stumped, pay for it largely with a mortgage, build a rough two-room shack



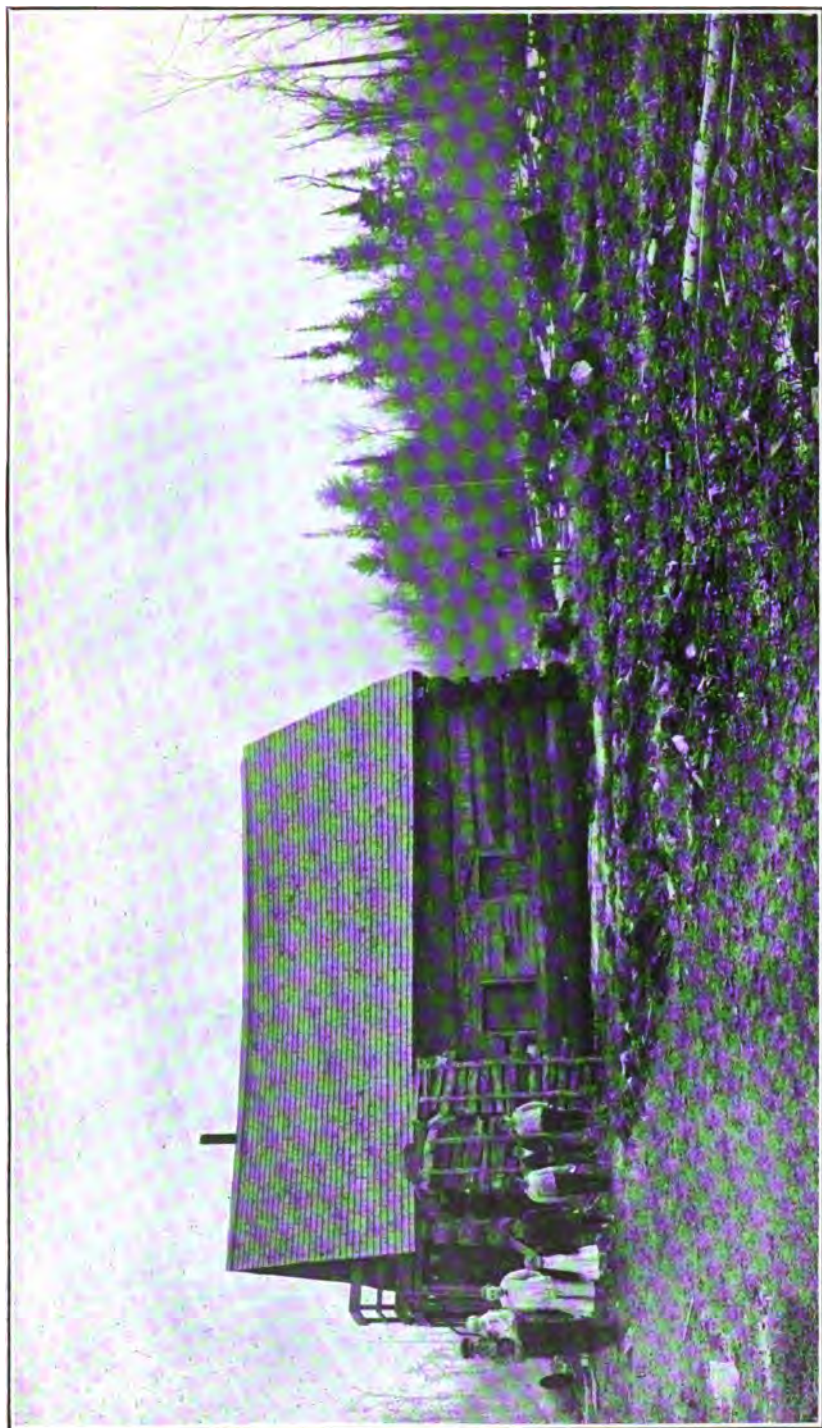


UNCLEARED CUT-OVER LAND.



CUT-OVER LAND "BRUSHED" BUT NOT "STUMPED."





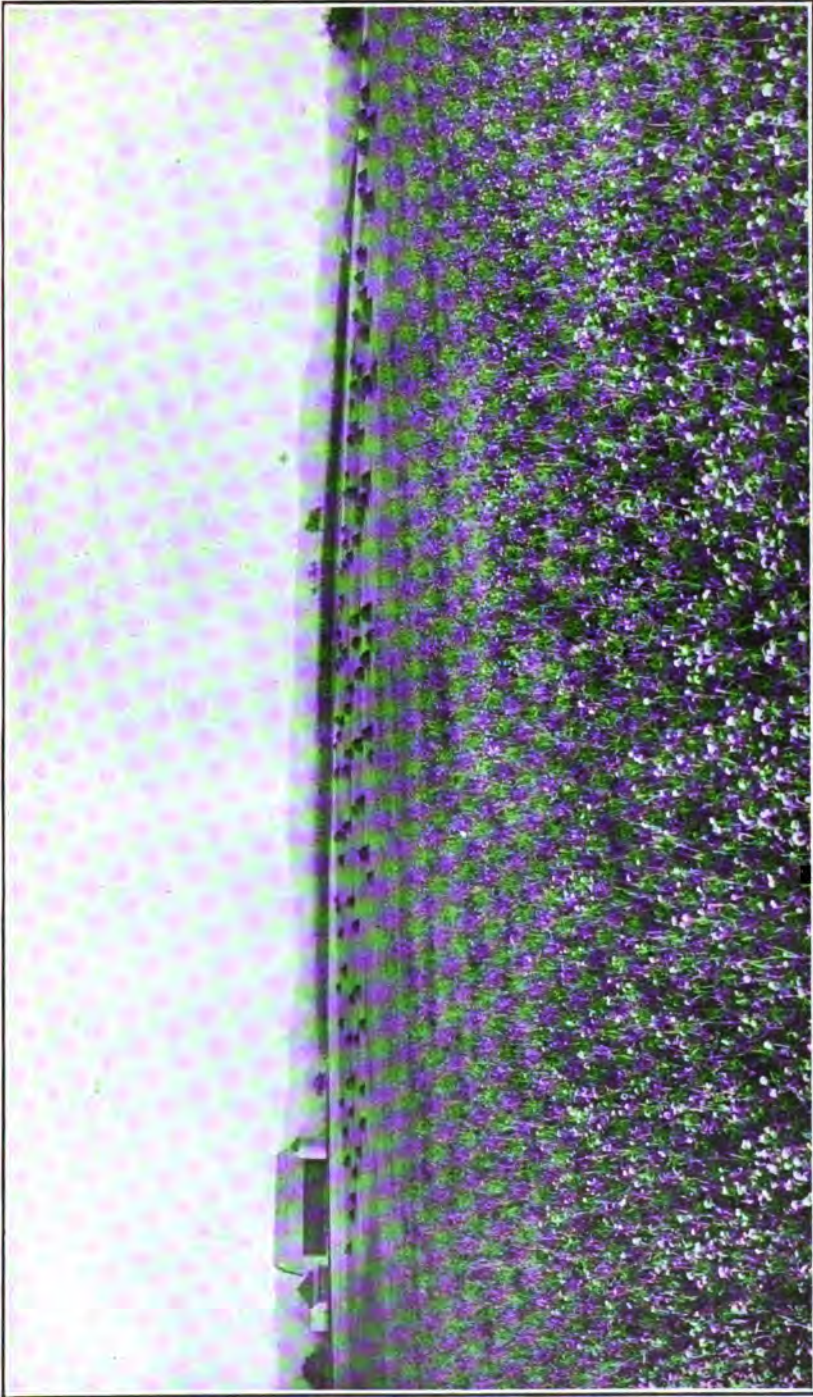
A CABIN IN A NEW CLEARING.



A SAMPLE OF UPROOTED STUMPS.



A NEW BARN ALONGSIDE THE OLD CABIN.



CLEARED LAND IN THE OLDER SECTIONS.





THE HOME ON A PROSPEROUS FARM.

of lumber from their own trees, and move onto the "farm." During the first few years, the husband often works out by the day during the summer and works on his land in the winter, felling trees and pulling stumps. Gradually, as they get pasture and hay land, they develop a herd of dairy cattle, building at first a rough barn shed for them. After a few years, perhaps 5 or 10, they build a large barn. And in a few years, usually not many after this, they build for themselves a substantial, well-finished, roomy house. But almost always the house comes after the barn, for it is a saying in this country that "the barn will build the house, but the house won't build the barn," a proverb which seems economically sound. And all this time the couple is rearing a family of children, not a small family, either, in most cases, but a healthy one. "Never had a doctor in the house except when the babies were born" is a common report. The last stage in the evolution of the farm is usually the payment of the mortgage.

Most of the land near the railroads where it is at all suitable for farming has been occupied for a good many years; the newly settled and unsettled districts are more remote. But accessibility was evidently not the only factor in determining which parts of the county were first chosen for farming, for two of the oldest-settled and richest townships have no railroad within 5 miles of their boundaries.

Although the State conservation commission in its 1909 report estimated that from 75 to 80 per cent of the land area of this county was suitable for cultivation, the 1910 census showed that only 54 per cent was included in farms, and only 25 per cent of this, or less than one-fifth of the total area, improved. Even with the large growth that has taken place since then there is still ample room for new settlers in this northern county.

### **Type of farming.**

Over almost all the county, except on the comparatively small areas of sandy soil, dairying is the main source of the farmers' livelihood. The greater part of the farm land is in meadow or pasture, and the chief grain crops—oats, barley, and rye—are those used for feeding stock. Timothy, blue grass, and clover all thrive; clover does especially well, making good hay for milk production. Even on partly cleared land grass and clover will grow luxuriantly among the stumps; consequently such land can be utilized for pasture before it is stumped and ready for the plow. Milch cows are kept, and milk, cream, or butter is sold from almost every farm in these dairy districts. As throughout Wisconsin, cheese is the most important dairy product, and cheese factories are found in practically every countryside; but proportionately more butter is made here than in the south-

ern county. In 1916 there were 118 cheese factories and 18 creameries (butter factories). Though few of the cheese factories are owned by the farmers, the milk producers are nevertheless commonly paid on the basis of the selling price of the cheese rather than at a flat rate.

In the sandy areas, notably in the Plover River Valley, potatoes are the chief crop. In fact, this is one of the main potato-raising districts of the State, and potato fields of 10 acres or more are common. Yields range from 90 to 150 bushels to the acre, sometimes running as high as 200 or 300 bushels in especially good years; but in the year when the survey was made (1916) the potato crop was an almost total failure. Farmers in the sandy districts also raise cucumbers on a large scale.

Roughly speaking, 80 acres is the standard size for a farm in this county; that is to say, it is the smallest farm on which it is considered that a family can live with reasonable comfort. This does not mean necessarily 80 acres under cultivation, for many dairy farmers manage remarkably well with as little as 20 to 40 acres cleared; but on a "forty" a farmer feels cramped as to his future as well as his present. On the other hand, the owner of more than an "eighty" is on the way to prosperity; farms larger than a quarter section (160 acres) are unusual.

Over one-third of the farms visited in the survey were from 80 to 120 acres in size; and the 1910 census reported the largest number—nearly one-half (43 per cent)—of the farms in the county in the group of from 50 to 100 acres. That the comparatively small size of the farms in this county does not indicate poverty is due both to the fertility of the soil and to the fact that practically all of it can be intensively cultivated as soon as it is cleared.

### **Farm ownership.**

Tenantry is not a problem in this county, for tenants' farms were only 4 per cent of the total number at the last census. In this territory it is entirely possible for a prospective farmer with little capital to become a landowner. But the usual road to that goal is not through renting an already developed farm but through purchasing comparatively cheap, uncleared land under a mortgage and building up its value through the farmer's own labor. This means a hard struggle for both man and wife in the early years, with living reduced to the simplest basis; but such poverty as this is lightened by the hope and prospect of "winning out" to comfort and prosperity.

### **Rural density.**

Outside the city and the incorporated villages, the population of the county in 1910 was 32,378. Since the unincorporated villages are all comparatively small, this is practically the open-country





POLISH WOMEN IN THE HARVEST FIELD.



CABIN IN A POLISH SETTLEMENT, WITH COW STABLE, HAYLOFT, AND DWELLING UNDER ONE ROOF.



THREE GENERATIONS.



A POLISH MIDWIFE WITH HER OWN BABIES.

population and gives a rural density of approximately 20 persons per square mile. This average covers large variations in density between the thickly settled and the sparsely settled districts. Thirteen townships had 25 or more inhabitants per square mile; 1 of these is adjacent to the city and 2 contained unincorporated villages of some importance, while 9 lie in the northwestern section of the county in the region of the older German settlement and within the clay-soil area. On the other hand, 11 townships in different parts of the county had less than 15 inhabitants per square mile; some of these are situated where the land is poor, while others were merely undeveloped. Certain of these latter districts have had a large growth in population since the census year.

### Nationality.

The great majority of both the early and the later settlers in this county were German; and over at least three-fourths of its area the county is strongly German in custom, language, and habit of mind up to the present day. There are a few Irish, Bohemian, Dutch, and Norwegian farmers in isolated groups; and in the southeastern quarter of the county there are two important Polish communities. The larger of these, in the Plover River Valley, originated a generation ago as an offshoot of a much larger Polish settlement farther down the river in the next county; this, therefore, is a well-established community. The other Polish settlement is the result of development during the past few years by a land company, which brought comparatively recent immigrants to rough, uncleared land.

According to the 1910 census, the population of the county (including the one city) was 26 per cent native white of native parentage, 52 per cent native of foreign or mixed parentage, and 22 per cent foreign born. For the whole county more than three-fourths (78 per cent) of the natives of foreign parentage had both parents born in Germany, and nearly three-fourths (72 per cent) of the foreign born hailed from Germany. Of course, these figures include the Poles of German origin.

The foreign element, as the census shows, is largely American born; but the Germans and Poles have been so numerous and have segregated themselves to such an extent that they have retained and handed down their foreign characteristics. So markedly foreign is the general atmosphere that the county agricultural extension teacher, upon being asked to name an American township, replied: "All are strongly foreign." Another indication of the persistence of foreign influences is the fact that not only half of all the foreign-born mothers visited in the county but also 16 American-born Polish mothers and 2 American-born German mothers were unable to speak English. In the older Polish settlement, though the majority of

those born in the United States can speak English, it is not at all unusual to find those who can not; and Polish is still to such an extent the language of the family and the church that commonly children come to school lacking acquaintance with the English language.

### **Social organization.**

The foreigners among the farming population are mainly of peasant origin. Consequently, side by side with the advantages of peasant stock—strong physique, industry, and thrift—the community has the disadvantage of the peasant's strong attachment to his ancestral customs. While the rural illiteracy rate at the time of the last census was not excessive—2 per cent among the native born and 7 per cent among the foreign born—the farmers in the strongly foreign townships often do not realize the value for their children of any further education than the district or parochial schools can give. As might be expected, the mothers in these communities know nothing of modern principles of hygiene. Not only ancestral farming methods but also ancestral ways of feeding a baby or of caring for a woman at childbirth are considered fully satisfactory, while “newfangled notions” are viewed with suspicion if not hostility.

To be sure, certain districts are much more progressive than others; in general, the newer communities are the more open to new ideas. With one exception, all the larger villages have high schools.

Cooperative production, as exemplified by the cheese factories of the southern county, has not found favor in this county. In the western third of the county one of the national farmers' associations is well organized and has active locals. In this district cooperative buying and selling organizations are numerous and seem to be thriving; some of these ship and market cattle for their members, while others are engaged mainly in handling feed and flour. There are a few farmers' cooperative stores in other parts of the county, and a cooperative packing plant at the county seat.

This county, in its organized political capacity, has made certain provisions to meet public-health needs that are in advance of the average. To wit, there are a county tuberculosis sanitarium and a county hospital. The latter is located on the grounds of the county almshouse, but is under separate management. It was primarily intended for cases of sickness which would be county charges, but sometimes receives pay cases; it will care for obstetrical patients.

The county also has at the county seat an agricultural school, supported in part by the county and in part by the State. This is open to boys and girls who have completed the district-school course and gives instruction in agriculture, manual training, and domestic science. Although it has been in existence since 1902, it has never had a large patronage. One of the most important branches of the

work of this school is its agricultural extension service—directed mainly toward the improvement of live-stock breeding, through the introduction of pure-bred stock and the formation of cow-testing associations. The extension officer working under the school practically takes the place of the ordinary county agent.

As a whole, it may fairly be said that none of the social-service agencies of the county, except perhaps the district schools, has come into helpful contact with the Polish settlements.

### **Means of communication.**

The map of the county gives the appearance of ample transportation facilities, for the county is served by three main railroads and by two or three short branch roads. Nevertheless, 9 of the 40 townships in the county have no railroad within their borders, and parts of other townships are also remote from any railroad. Because of bad roads, intercourse with the outside world and with other parts of the county is seriously hindered and curtailed in those districts which lack railroad communications.

By reason of the location of the railroads, the county seat is accessible to the central and most of the eastern portions of the county and is the urban center for this area. But the western end, as well as sections along the northern and southern borders, are more accessible to cities in neighboring counties, and their interests gravitate in those directions.

Speaking generally, the roads of the county are poor. Only a few stretches—5 per cent of the total mileage<sup>1</sup>—have been surfaced with rock or gravel. Even what are considered the main roads, though fairly well graded, are for parts of the year almost impassable—those on clay soil in wet weather and those on sandy soil in dry weather. Some of the minor roads, which are the only means of approach to a large proportion of the farms, are so rough that the use of an automobile at any season is practically impossible, and even wagon hauling is difficult. One mother, who lived 7 miles from town at the very end of such a road, exclaimed, when told that the Government was working for the good of the children: "Well, tell them to fix a road through this section so that our children can go to school; it's only a little time of the year that they can possibly get through the swamp and forest."

Large areas were still without mail delivery at the time of the survey, notwithstanding the 31 rural routes then in operation. In the more inaccessible half of one of the townships included in the survey, about 40 families had no delivery service; some of these had to send as far as 12 miles for their mail.

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<sup>1</sup> Public Road Mileage and Revenues of the Central, Mountain, and Pacific States, 1914. U. S. Dept. of Agriculture Bulletin No. 389.

Along the western border, telephone lines cover the settled districts reasonably well and most of the homes have telephones; but in the central and eastern sections, the lines do not, as a rule, reach any great distance back from the railroads and villages, or they serve only one important customer in a district—such as a creamery, saloon, or land office—leaving many farms miles away from any telephone. Only 20 of 280 country families visited in these districts reported a telephone in the house; while 120 were 2 miles or more from a telephone; and 40, 5 miles or more. In one township, a third of the families had to send at least 5 miles to reach a telephone, and in another the situation was nearly as bad.

This lack of telephone facilities is keenly felt by many families in these isolated neighborhoods; but, for some reason, the farmers and the company have not been able to come to any agreement as to the terms on which lines should be built and telephones installed.

### **Industries.**

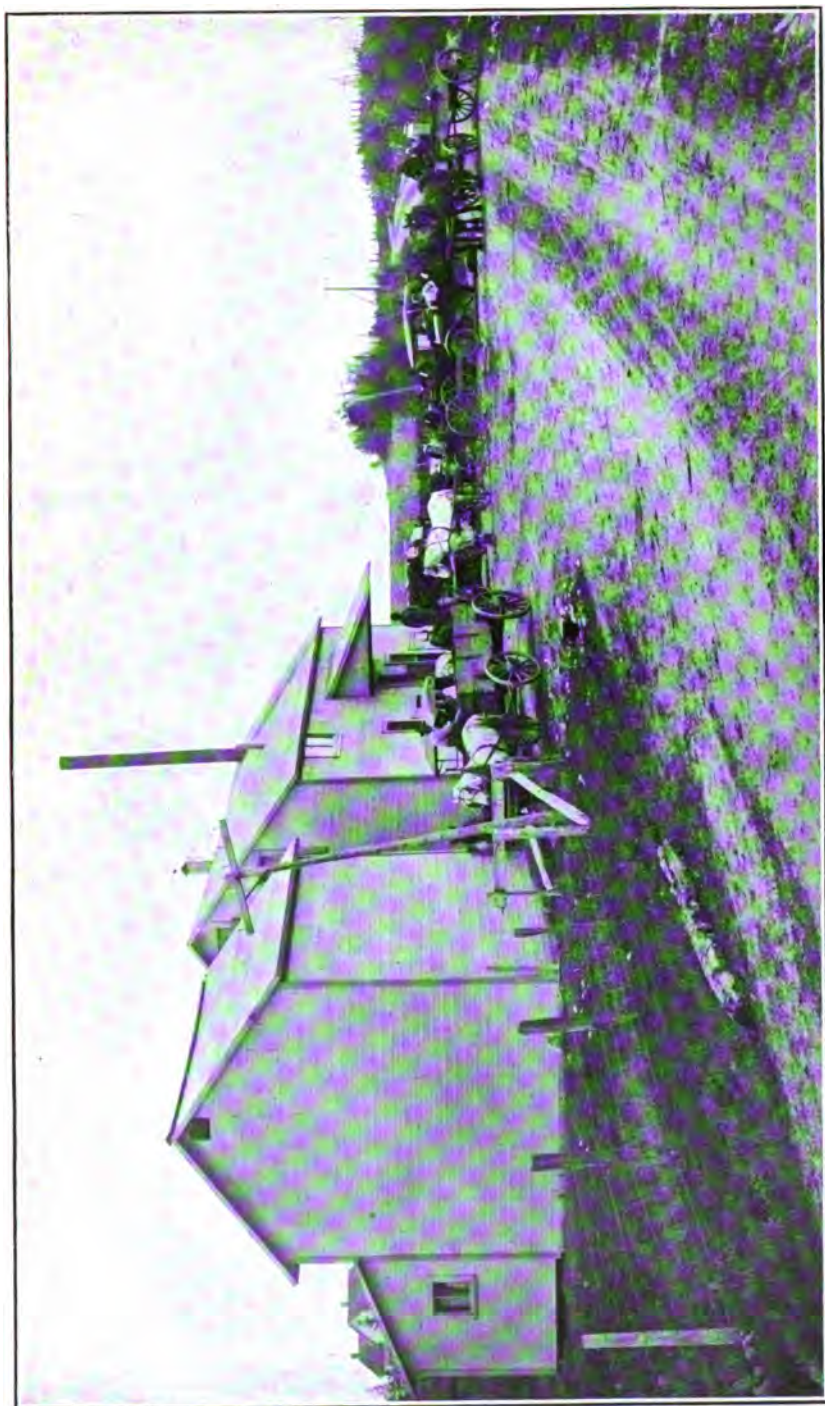
Aside from farming, the chief industries of this district are still those dependent upon the supply of wood. There are still some logging camps in the county, though most of the timber now marketed is brought in by the farmers from their own land. Sawmills providing lumber for local use are fairly common; and in the city there are large saw and planing mills and woodworking factories of various kinds. Away from the city, along the Wisconsin River, are three large paper mills, each with its mill village or settlement; these consume such quantities of pulp wood that they must send outside the county for much of their raw material. A tannery provides a market for hemlock bark.

In the north-central part of the county, on both sides of the river, there are quarries which are said to produce an unusually good quality of granite. But they are a comparatively unimportant factor in the life of the countryside, for they employ only a small number of men.

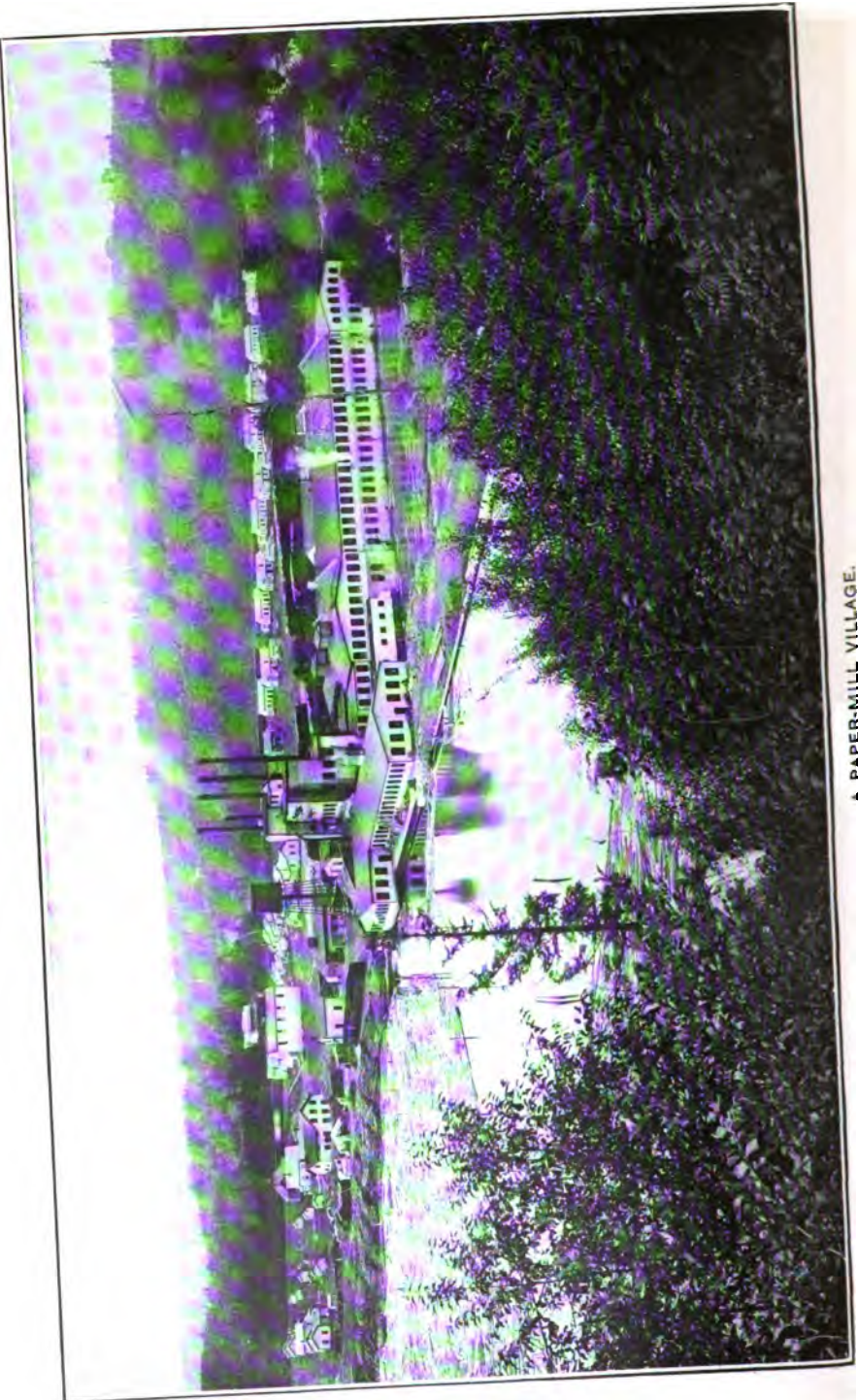
### **SELECTED TOWNSHIPS.**

In the northern county, the survey covered 7 townships and the 6 villages lying therein. These were selected primarily with a view to representing both the districts where midwives are employed and those where they are not. Preliminary information, furnished by the State board of health or obtained from local sources, indicated certain townships in which at least half the births were attended by others than physicians. From this list 4 townships were chosen in which both the number of births and the proportion of midwife cases were large, and in which other conditions were varied. These townships happened to lie in the central part of the county. Therefore, the





WHERE THE MILK GOES—A COUNTRY CHEESE FACTORY.



A PAPER-MILL VILLAGE.



3 other townships, in which practically all the births were attended by physicians, were selected, 2 from the western border and 1 from the eastern border, in order to cover as far as possible the different sections of the county.

Four of the selected townships are strongly German; one is almost exclusively Polish; one about half German and half Polish; and one of mixed nationalities—Norwegian, German, Polish, and American. One of the important Polish settlements and half the other were included; thus the Polish element was represented out of proportion to its importance in the county as a whole.

Two of the German townships belong in the older and comparatively well-developed districts, though in each there are sections where conditions are still primitive. One of these is counted among the most progressive communities in the county, the other among the most conservative. The other two are in the main more recently settled, with large areas of wild land.

The villages comprised five which are rural community centers, and one paper-mill town which had practically no organic relation to the countryside. In this latter village were found a number of Polish mill hands, though the township in which it lies is German. A second paper mill is located within one of the townships covered, and many of its operatives live near by; but there is nothing which could be called a village. Two of the villages lie on both sides of the county line; consequently, only part of each was covered in the survey.

#### FAMILIES INCLUDED IN THE SURVEY.

The large majority of the 453 families visited in the northern county lived in the open country; less than one-fifth (87) were villagers.

#### Nationality.

In the northern county live large groups of persons of German and Polish nationality, who, even when born in the United States, are practically unassimilated. They have retained to such an extent the customs and language of the German and Pole, respectively, that it was thought best, in order to give a true picture of the life and customs of this community, to group them according to their nationality rather than according to their country of birth.<sup>1</sup> The parents in the families visited have been classified in four nationality groups:

1. The native-born fathers and mothers of native parentage on both sides, who for the sake of brevity are referred to as the American group.

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<sup>1</sup> The term "nationality" is thus used to designate a racial group inheriting common customs and a common language—its meaning in discussions of problems of immigration. In this sense it has no implications in regard to allegiance or citizenship.

2. The German group, comprising those of German "nationality" born abroad together with those born in the United States whose fathers were foreign-born Germans (the mothers of this group are sometimes referred to as the German mothers).

3. The Polish group, consisting similarly of foreign-born Poles and of those born in the United States whose fathers were foreign-born Poles (the mothers of this group are sometimes referred to as the Polish mothers).

4. The "miscellaneous and other foreign" group, consisting of all others of foreign birth or of foreign or mixed parentage. The last three groups are combined into—

5. The "foreign" group.<sup>1</sup> Where it is necessary to differentiate those born in Germany or Poland or abroad from those included in the "nationality" or "foreign" groups, the former are specifically designated as born in Germany, born in Poland, or foreign born.

Among the 898 parents whose nationality was reported, 162 (18 per cent) were natives of native parentage on both sides (the American group); 359 (40 per cent) were of German birth or parentage (the German group), of whom only 72 were of foreign birth; 273 (30 per cent) were of Polish birth or parentage (the Polish group), of whom 167 were foreign born; the miscellaneous group consisted of 104 persons, of whom 29 were of foreign birth. The foreign born of all nationalities, therefore, formed a little less than one-third (30 per cent) of the whole group, while the native parents of foreign or mixed parentage made up over half the total (52 per cent).

As the figures show, the German was the largest group; it was in the majority in three townships and one village and formed the largest nationality group in another township and village. Even these proportions understate the importance of the German element in the county as a whole, because while both the main Polish settlements were included in the survey, it was impossible to cover more than a sample of the German districts. Four-fifths of the German parents visited were born in the United States.

The Polish group formed the majority in the two townships in which lie the two large Polish settlements; in one of these practically all the Polish parents were foreign born, while in the other most of them had been born in the United States. In this latter community, where all but 3 out of 53 families visited were Polish, 17 native Polish mothers were encountered who were unable to speak

<sup>1</sup> On the schedule the nationality of each of the grandfathers of the baby was recorded. Since in nearly all families both grandparents on either side were of the same nationality, the nationality of the grandfather given on this record was usually that of the grandmother; even when the grandfather was foreign born and the grandmother native she was practically always of the same nationality as her husband. On the other hand, when the grandfather was native but the grandmother foreign born, the specific foreign nationality was not recorded; such cases have been included of necessity in the miscellaneous group. They embraced only 2 fathers and 9 mothers out of the 906 parents included in this study.

English. The husband of one of these women, himself foreign born but with a good command of English, told the agents that he would like to move away from that district in order that his wife might learn English. Nearly all—52 out of 58—the foreign-born women in this county who were unable to speak English were Poles.

Among the mothers visited in the northern county the illiteracy rate was much higher than in the census figures—5.4 per cent for the native born instead of 1.6 per cent and 26.7 per cent among the foreign born instead of 6.8 per cent. These high rates are largely chargeable to the Polish women, for while only 1 per cent of the mothers of native parentage were illiterate, and only 4 per cent of the German mothers, 28 (36 per cent) of the 78 foreign-born Polish mothers and 12 (21 per cent) of 58 born in the United States were unable to read and write in any language.

#### **Father's occupation.**

As was to be expected, nine-tenths of the fathers living in the country were engaged in farming. Nearly all these were farmers on their own account; only 7 farm laborers and 2 farm managers were included. Eighteen of the nonfarmers were paper-mill men, most of whom lived in a group in the country near a large paper mill; 5 fathers were cheese makers; 3 worked in the quarries, 4 in the building trades, and 2 at lumbering.

In this county, a large proportion—between one-fourth and one-third—of the farmers found it necessary to eke out their incomes by some kind of supplementary work, as loggers or woodcutters, masons or carpenters, saw-mill or paper-mill hands, or farm laborers. This was especially true of the Poles in the new settlement; since most of them had for the basis of their farming operations only 20, 30, or 40 acres of practically uncleared land, inevitably almost everyone resorted to day labor of some kind. A number of them walked daily 6 miles or more to the nearest paper mill.

The fathers living in the villages represented a greater diversity of occupations—masons, carpenters and builders, blacksmiths and other mechanics, storekeepers, saloon keepers, bankers, laborers, teamsters, etc. The largest group (27) was made up of the paper-mill hands. A few farmers and farm laborers lived in the villages.

#### **Land tenure.**

Ten per cent of the fathers included in the survey were tenants. This is much larger than the proportion of farms operated by tenants given in the census reports; to wit, 8.5 per cent. There is no reason, however, to believe that the proportion of tenants was actually greater in the selected townships than in the county at large.

To some extent the apparent difference between the two figures may be due to an actual increase in tenantry since the census date;

but it seems more probable that the chief explanation lies in the fact that the older farmers, who are more apt than the younger men to be landowners, are as a rule not in the count when the fathers of young babies are enumerated.

More than half the landowning fathers were carrying mortgages on their farms and many were newcomers, struggling through the early stages of land clearing. Therefore it is entirely natural that in many of these families as well as in the tenant families expenditures were carefully pruned down to what was regarded as absolutely necessary.

#### MATERNITY CARE.

Childbearing is an experience which comes often to these country mothers. Thirty-three of those interviewed had borne children twice within the two-year period of the survey; nearly two-thirds (65 per cent) of those who had been married at least two years had borne a child or had had a miscarriage more than once on the average in every two years of their married lives. For 42 of them, this meant 10 or more pregnancies. This condition is reflected in the high birth rate of the rural districts of the county—30 per 1,000 population in 1914 and 1915.<sup>1</sup> For such mothers, injuries from overwork or neglected complications are all the more menacing, because their effects become cumulative.

#### Availability of physicians.

The American Medical Association directory for 1916 lists 48 physicians in this county, the majority of them located at the county seat. This means one doctor to about every 1,300 inhabitants, which is nearly twice as large a number of persons per physician as the average for the United States (691<sup>2</sup>).

Most of the villages had resident physicians at the time of the survey; but five, including one place of between 400 and 500 inhabitants, had none. This latter was included in the survey; a doctor from the city held office hours there twice a week; but whenever he was needed in an emergency he ordinarily had to come 7 miles by road. There are large areas where a country family may be from 10 to 15 miles from a doctor. It is in exactly these sections that the roads are roughest and most apt to be in bad condition, and that often there is no direct road to the nearest doctor. Some of these neighborhoods which are practically isolated from medical service were included in the territory covered by the survey. Sixty-six of the 395 confinement cases in the open country occurred in families living 10 miles or more from a doctor; for only 8 of these

<sup>1</sup> Twenty-sixth Report of the State Board of Health of Wisconsin, 1916, pp. 316 and 318.

<sup>2</sup> American Medical Association Bulletin, Jan. 15, 1917, p. 99.

cases was a doctor secured. And in this county, outside the villages where there was a resident doctor, only two-fifths of the families were living within 5 miles of a physician's headquarters.

How serious may be the delay in getting a doctor when an emergency arises was shown by a tragic experience of one of those country families, that lived 12 miles from a doctor and 6 miles from a telephone in an isolated district of rough roads. One evening in the winter, when the snow was deep, the 6-year-old child had a nose-bleed which could not be stopped. At midnight the doctor was sent for, but he lost his way in the night, had to go back to town, and did not reach the home until 3 o'clock the next day. The bleeding had continued all the while, with the result that the child died just after the doctor arrived. This family—which had seven other children—"never had a doctor in the house" except this one time.

#### **Attendant at birth.**

Before the survey was begun it was known that a large proportion of the births in the county were attended by midwives. The investigation showed that the true proportion was even larger than the official figures indicated, because many births attended by midwives were either not registered or registered under the father's name as informant. As has been explained, four of the seven townships, with the three villages therein, included in the study were chosen because maternity care was largely in the hands of midwives. In these townships and villages 50 per cent of the 335 confinements for which records were secured were attended by midwives, while 8 per cent had no professional attendant. In one Polish township, only 5 out of 59 confinements were attended by physicians. In the other districts, where midwives were practically unknown, of 151 confinements 139 were physicians' cases; 3 had no regular attendant; and only 9 were attended by midwives (8 of these in one township). The proportions for all districts together were: Physicians, 58 per cent; midwife, 36 per cent; other attendant or none, 6 per cent.

Of the 28 mothers who had no professional attendant at confinement during the survey period (2 of them twice during the 2 years), 22 belonged to the Polish group, 2 were foreign-born German, and 1 was Indian. Twenty of these confinements were attended by a neighbor, four by the father, three by the grandmother, one by an aunt; and two mothers—one of whom was herself a midwife—delivered themselves, as they had done at six and seven previous confinements. None of this group of mothers was giving birth to her first baby and half had managed with similar informal assistance at previous births. Among the other half who had had either a physician or a midwife at each previous confinement, not a single one had had a physician each time. Five mothers, including the Indian,

had never had either a doctor or a midwife present at confinement; one of these had borne 11 children, one 8, one 7, one 6, and one 3.

Such a situation comes about sometimes without any particular choice on the part of the parents, as shown in the case of one Polish family living at the end of an almost impassable road. The father stated that there was never time to go for help because his wife was usually in labor less than an hour; consequently he always tied the cord and cared for the mother. Several mothers in the group reported labor of less than an hour's duration; as one expressed it, the baby "came alone," or as the Polish women say, "it was born in two pains," with the consequence that "there was no one on hand but a neighbor," and sometimes even the neighbor was late. With the majority, however, there was doubtless an element of deliberate intent in the situation, even if unacknowledged. Among the Poles especially the opinion is not uncommon that a mother should be able practically to deliver herself, and that a physician is not only superfluous but even undesirable. One father stated vehemently: "I would not let a doctor come near my wife." His wife, who had borne eight children, said that she always delivered herself, cut the cord, and washed the baby before going to bed, calling only upon a neighbor or her husband to hand her supplies. That such a practice can not be counted upon for safety even when everything has repeatedly gone well is exemplified by the experience of this same mother. At her ninth confinement, which followed almost immediately after the agent's visit, spontaneous delivery was impossible because of a face presentation; after she had been in labor three days, the doctor had to be summoned to turn the child.

One of these women, who had lived all her married life within 2 miles of a doctor, had tried all kinds of obstetrical care in the course of her 20 years' experience. She had had 3 miscarriages and had borne 15 children. Two of the children were stillborn; both these births—instrumental deliveries following protracted labor—were attended by physicians. Two other children had died before they were a day old, and a third at 8 days; all these were delivered by physicians, in one case after 2 days' labor. Of the 10 living children, 4 were delivered by a doctor, 2 by a midwife, 1 by a neighbor, and 3 by the father. Two of the babies (including the last), who were ushered into the world by their father, were born after very brief labors.

In the cases of 23 mothers who are counted as physicians' patients, the doctor did not arrive until after the birth had occurred, sometimes only a few minutes late but occasionally as much as two hours. In the majority of cases these doctors had to come 5 miles or more, sometimes over bad roads; only one of these births (a protracted labor which suddenly terminated while the doctor was away) oc-

curred in the doctor's home town. Most often, some neighbor or relative who was present tied the cord and attended to the baby; but in a few instances this was left for the doctor. One mother reported that her baby "just laid till the doctor came" and apparently suffered no harm by the two hours' wait. Usually the doctor examined the mother and baby after he arrived; thus the mother was to that extent protected from complications. Occasionally, however, a story was told of a doctor who came late and neither looked at the baby nor examined the mother.

In some instances the attendant midwife also failed to reach her patient on time. Naturally this happens less often in a midwife's practice, both because she is apt to be closer at hand than the doctor and also because she seldom has other patients to delay her.

### **Hospital confinements.**

In the northern county there are two general hospitals at the county seat, one of 60 and one of 24 beds. These and the county hospital are available for obstetrical work; a large hospital just outside the county line is easily accessible to the people along the western border. At the worst, in order to reach one of these hospitals, a railroad journey of several hours might be necessary for the people near the eastern border, since the connections are poor; and in the isolated districts it might take two hours or more if the roads were bad, to reach the railroad.

In spite of facilities near at hand, the only mother included in the survey who was confined in a hospital went to Milwaukee—not as an emergency measure but as an insurance against possible difficulties. However, hers was a notable exception to the general attitude on this subject. By most families in the county the idea of going to a hospital for confinement would undoubtedly be regarded as preposterous; certainly it is almost never done.

### **Obstetrical service by physicians.**

The use of obstetrical forceps was much more frequent in this county than it was found to be in the Kansas survey. In 10 per cent (48 cases) of all the deliveries included in the survey instruments were used, instead of in less than 5 per cent as in Kansas; this was 17 per cent of the confinements attended by physicians in the selected districts. Twenty-one of these forty-eight cases were first births, seven were stillbirths, and one child died within the first few hours. No physician used the forceps in any large number of cases; but if the doctors who had the most cases in the area of the survey (at least 10 cases each) are grouped according to their use of instruments, it develops that out of 86 births attended by one group only 5 were instrumental, while among 49 attended by another group, 13 (over one-fourth) were forceps cases.

One of the great difficulties in rural obstetrical practice is the matter of waiting for normal dilatation. A physician in general practice may have other patients critically ill or may have other impending obstetrical cases; and it is very difficult for him to go miles into the country, many times entirely away from a telephone, and to wait 10 or 15 hours or more for nature to take her course. The saving of time effected by the use of instruments is a great temptation.

The large majority of the lacerations recognized by the mothers had been repaired, though in a couple of cases the operation had been unsuccessful. But four mothers reported what they considered severe lacerations which had been neglected by the attending physician. A few other mothers felt strongly that they had suffered from the doctor's carelessness at the time of confinement.

Nearly half the country mothers attended at confinement by a physician were never revisited after the baby was born, and only one-fifth received more than one subsequent visit. This is practically the same situation as that found in the lowland county in North Carolina, but somewhat worse than in western Kansas or in the southern part of Wisconsin (see p. 63). Evidently the vital importance of postnatal supervision is not recognized in any of these country districts. Since postnatal visits far out in the country are difficult for a busy doctor to make, as well as expensive for the family, there is every incentive to take for granted the safe progress of mother and baby; but this is doubly dangerous in districts where even telephone messages are hard for the family to send. That the lack of "after care" is not due wholly to inaccessibility is indicated by the fact that out of 35 mothers attended by physicians in villages where there was a resident doctor, 7 (one-fifth) received no postnatal visits and 10 received only 1.

### **Midwives.**

The midwife is a factor definitely to be reckoned with in a study of maternity care in this county. As has been mentioned, a large proportion of births in certain communities were attended by midwives; in all, records were secured for 175 midwives' confinement cases. Because of the importance of the problem, it was decided to secure directly from these women certain additional facts about their training and methods.

In classifying the attendant at birth, any woman who was considered by the neighborhood competent to take the responsibility for delivering a child and was engaged for that purpose was counted as a midwife. Twenty-four women were so classified; some of these attended only one or two of the births included in the survey, but all had had considerable experience and were looked upon as part of the neighborhood's resources in providing for childbirth. Of the 24 midwives included in the list, 6 had each delivered 10 or more



children for whom schedules were secured, while 2 —1 German and 1 Polish—delivered each more than 30. A number had a much larger clientele than the schedules indicated, even during the survey period, because they practiced outside the territory covered by the survey.

As thus used the term "midwife" does not necessarily imply training or legal status. Of 14 midwives concerning whom the information was obtained, only 2 had attended a training school of any kind, though several had been taught by physicians and worked under their supervision; and only 2 out of the whole list of 24 held an official certificate entitling them to practice.

The Wisconsin law provides that no midwife may practice for pay without a certificate of registration, issued by the State board of medical examiners; the requisites for such certificates are (1) presenting a diploma from a reputable accredited school of midwifery, together with evidence of good character, and (2) passing an examination given by the board.<sup>1</sup> In Wisconsin there is no school of midwifery known to the authorities; consequently only women trained outside the State can qualify for the examination.

Only two of the women who were found to be acting as midwives were reported by the State board of medical examiners as registered. These were both professional midwives living in the city and taking occasional cases in the country; the two attended only 3 out of the 175 midwife cases included in the survey. It is only to be expected that women living in isolated neighborhoods and attending perhaps only two or three confinements a year, should not trouble to secure certificates. But that midwives with large practices should fail to do so is a more serious matter. From the midwife's point of view, there are several reasons for this. One woman, with a large practice and good training, was ignorant of the necessity of a State certificate, considering her diploma all sufficient. Others knew that they were debarred because they had no diplomas to present, having never attended a school. Yet others feared the expense and trouble of going to Milwaukee or Madison for the examination; to poor, illiterate Polish women who could not speak English such a prospect naturally seemed appalling. And though most of these women were aware that a "license" was required—and were therefore chary of admitting that they received pay for their services—they had practiced unmolested for so long that they felt under no necessity to comply with the law. Certain of these unregistered midwives had filled out birth certificates in their own names for years.

In part, the employment of midwives seems to have been a natural—almost an inevitable—result of the isolation of many of the early settlements and of many neighborhoods at the present day,

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<sup>1</sup> Statutes 1917, secs. 1435b, 1436f-12, and 1436f-13.

making it expensive and often practically impossible to secure a doctor. Under such circumstances it frequently happens that one of the neighbor women who are called upon to help in emergencies develops special skill in such work and soon finds herself more and more drafted into service. In these communities the women are often in labor only a short time—a few hours at most—and deliveries usually proceed without difficulty. If thrifty pioneers have once had the experience of paying the bill of a physician who arrived too late to be of any service—at least so it appears to them—they are apt to choose a neighboring midwife for the next occasion. When to such conditions come settlers like the Germans and Poles, who have been accustomed to the services of midwives in “the old country” and prefer them to physicians, midwifery is likely to become an established institution.

A few of the midwives encountered in the course of the survey made their living by the practice of midwifery, but the majority “went out” mainly as an accommodation to their neighbors. They were farmers’ wives, living in sparsely settled districts where there would not be enough obstetrical cases to support a professional midwife. Some who had previously been in active practice would have preferred to give up such strenuous work as they grew older; only, as one elderly Polish woman said, “If I go not, what becomes of the women?”

Half the midwives were Polish women practicing in Polish settlements; nearly all the rest were German. Midwives attended 31 per cent of the confinements of German mothers and 61 per cent of those of Polish mothers, while only 16 per cent of the births to American mothers of native parentage were in the hands of midwives. Polish immigration is so recent as compared with the German, and the Polish people have mingled with other nationalities so much less even than the Germans, that it is not surprising that the Polish women have clung more tenaciously than the German to the old-world custom of employing midwives. From all accounts it seems probable that the midwife was as commonly employed in the German settlements a generation ago as she is to-day in the Polish settlements. The really surprising fact is that Polish mothers born in America employed midwives much more and physicians much less than did the immigrants, though they were less likely to go without any attendant. Why this should be is not clear. Inaccessibility of physicians could not have been the chief cause of this difference, for they were about equally inaccessible to the two chief settlements. Several of the foreign-born Polish women who employed a physician had to have a version or an instrumental delivery performed; others had had difficulties at previous confinements which made them anticipate the necessity for a doctor.

As a general proposition there is no question that the difficulty of securing a doctor is one of the important factors leading to the employment of midwives in the country districts. In most of the communities studied the midwife was a neighbor of her patrons and was employed in preference to doctors who were a long distance away. Taking all the selected districts together, three-quarters of the midwives' patients were 5 miles or more from a doctor, while three-fifths of the doctors' cases lived within 5 miles. Where there was no doctor within 10 miles, a midwife was employed in three-fourths of the confinements and in another one-ninth there was no regular attendant. But in the country where there was a physician within 5 miles, a midwife was employed for only one-eighth of the confinements.

The greater convenience of securing a midwife in isolated neighborhoods does not explain the whole situation in the county, however, for a midwife was employed in over one-third of the village cases where there was a doctor in the same village. One of the German midwives living in the city told the agents that she had sometimes driven as far as 30 or 40 miles out into the country to care for women at childbirth. And in one of the German districts included in the survey the midwife, who depends upon her work for her livelihood, lived in the village where there were three doctors and was called upon both in the village and in all the surrounding townships in preference to these doctors. She had practiced in that neighborhood for 20 years. In the village she attended two-thirds of the births scheduled and in one of the adjacent townships nearly half; the majority of her patients were German, but a number were American of native parentage. One of the village physicians, when asked how it happened that the doctors did so little of the obstetrical work, replied: "Well, to tell the truth, it is largely our own fault. We don't like that kind of work and have always more or less turned it over to Mrs. M."

Mrs. M. was a well-educated woman, with a diploma from a school of midwifery; she gave the impression of being both cleanly and capable and had that reputation with the local doctors also. She said that she used carbolic-acid solution in cleansing her hands and in preparing the mother. She sometimes made several examinations during labor, but "sometimes there is not time to make any." She gave douches of "plain water," but boiled the apparatus each time. She carried a bag with cotton, gauze, umbilical tape, two syringes, and a supply of carbolic acid.

Among her patients she was highly esteemed; some of them she had attended at every childbirth—six, seven, or eight times—as long as they had lived in her territory. One of her regular patrons ex-

plained the attendance of a physician at one birth by saying that she "wanted Mrs. M. that time but could not get her." More than one mother "tried a doctor once" and had the midwife every time afterwards. Mrs. M. frequently acted as nurse when a physician was in charge of the case. One or two mothers had her as nurse until the last confinement, when, because the doctor could not be secured, the midwife took charge. She was apparently careful to call a doctor when anything seemed to her to be going wrong, and almost never failed to do so in case of a miscarriage.

Mrs. M.'s ordinary charge was \$5. She expected her country patrons to furnish transportation and did not ordinarily revisit unless they sent for her; in the village where she lived, however, she customarily made two daily visits for 9 or 10 days. Naturally her village patients were enthusiastic over the service secured; one of these mothers said that she liked the midwife much better than a doctor, "she does lots more for you." She gave no prenatal supervision to her country patients, but occasionally "dropped in" to advise those living in the village.

Typical of the German neighborhood midwife was Mrs. R., whose family homesteaded 40 years ago in an isolated neighborhood 9 or 10 miles from town, where they still live. Her first three children were born in Germany, under a midwife's care. On the Wisconsin clearing eight more were born; she never had a doctor in the house for any cause during all those 40 years; and at childbirth sometimes had not even a neighbor's assistance. She brought with her from Germany a textbook on midwifery, and soon became the neighborhood's mainstay for care at childbirth. At one time she held a State certificate but allowed it to lapse. She did not like to discuss her practice or methods—she speaks no English—but said that in all her experience in that neighborhood she had known of only one stillbirth and no maternal deaths at childbirth.

Records were secured of 16 births which she had attended during the two years of the survey, of which 5 were her own grandchildren. She was then 65 years old, and said that she did not want to "go out" but the neighbors would not let her alone. No one would admit that she made any charge, but "we just gave her something," usually about \$2 or \$3. She rarely saw her patients in her professional capacity either before or after confinement, even when the baby was her own grandchild.

Of a different type was a much younger woman who had a large practice in one of the paper-mill villages, 7 miles from a resident doctor. She began her work casually, through being summoned in an emergency to help the doctor from the city. He thought her so capable that he called upon her frequently after that, and before

long recommended her as able to do as well for these women as he could. For several years before her death the large majority of the births in the village were in her hands. She studied assiduously and even went to a hospital in Chicago for a few weeks. Of all the midwives, she gave the most attention to her patients—advice during pregnancy as well as care during the puerperium—and seems to have been really devoted to the work and to her patients. She insisted that her patients stay in bed 10 days; during that time she made two visits daily, bathing mother and baby and doing everything possible to make them comfortable. Sometimes she even took home and washed the soiled linen “so as to have something clean to put on them the next day.” For all this service she charged \$12 to \$15.

The Polish midwives, as a class, gave the impression of being much less cleanly than the German ones. But some of them seem to have developed skill in their work and to be remarkably successful. A neighboring doctor with a large practice among the Poles begged the agents to try to get one of these midwives to “wash her hands occasionally”; but almost in the same breath he acknowledged that he had never known a Polish woman to get a puerperal infection.

One Polish midwife, herself an immigrant, delivered more than half the babies born in the recent Polish settlement; most of her neighbors regarded her as indispensable to their safety. She was seldom called until labor began; many were the tales of her running 2 or 3 miles to “be on time for the baby,” since neither she nor her patient had a horse. She practically supported her family through her own work in the fields and among the neighbors, for her husband had been disabled by an accident in the mill. When her patients were within walking distance she usually made one or two visits a day during the lying-in period and sometimes did the absolutely necessary housework. Her statement as to compensation was: “Sometimes 50 cents, sometimes \$2, sometimes \$5, sometimes they forget to pay anything.” She had no schooling and no formal training, but had picked up some traditional midwives’ lore from her grandmother and had worked under a physician’s supervision in another State before coming to Wisconsin. She said that she used carbolic acid in the water with which she washed her hands.

In the older Polish settlement the obstetrical practice was divided among a number of neighborhood midwives, most of them old women and illiterate. Four of them were interviewed. All were crude and primitive in their methods, without any training for their work; according to their statements they carried no equipment; and, with the exception of one who had a bottle of bichloride tablets given her

by a doctor, they made no pretense of using antiseptics. Before making an examination they all "washed their hands and greased them with lard or any grease they had." All claimed that they called a doctor whenever complications appeared but that the necessity seldom arose. However, a patient of one of these women—her own daughter-in-law, from whom a schedule was secured—was allowed to be in labor three days with what was probably a breech presentation before a doctor was called. Only one made a practice of revisiting her patients. One charged \$2, the others took "what they give." These four women together probably cared for about 40 cases a year.

Seldom was the midwife consulted during pregnancy; in only one-seventh of the midwives' cases did the mother see her attendant until labor began. Only one midwife gave her patients any considerable prenatal supervision. On the other hand, nearly two-thirds (65 per cent) of the midwives' patients were visited after confinement, in contrast to a little over half (54 per cent) the physicians' patients; half the midwives' patients (89) received at least two postnatal visits. The case is, of course, not exactly parallel with a doctor's practice, because the midwives who made more than one visit to their patients after confinement were really acting in the capacity of obstetrical nurses; moreover, the midwives usually lived closer to their patients and seldom revisited unless they did live near.

No one of the midwives interviewed used instruments or anesthetics, or repaired lacerations. They seldom interfered with the expulsion of the afterbirth; without exception they reported that it was their custom to wait for it to "come" naturally. As a rule, they used common twine to tie the cord. All stated that they called a physician immediately if they recognized an abnormal condition. However, it seems fairly certain that at least some of them were willing to perform versions.

Among the 178 births attended by midwives for which records were secured, there were 4 stillbirths and 6 deaths under 2 weeks of age. There was 1 maternal death, due to sepsis developing about a week after confinement.

### Nursing care.

In none of the districts studied was there a resident trained nurse; but families in the central part of the county could secure trained nurses from the county seat. One of the hospitals gives a nurses' training course, and there are said to be about 18 trained nurses located in the city. Two country mothers—in addition to one who

went to the city for confinement and the one mentioned who went away to a hospital—had trained nurses at the time of childbirth; one of these nurses was the mother's sister; thus only one was employed.

In this county the practical nurse was replaced in the midwife districts by the midwife as a semiskilled childbed nurse. Of 486 confinements, 24—practically all in communities where there were no midwives—were nursed by practical nurses and 93 by midwives, giving together a proportion of about one-fourth who had semitrained nursing care. In 86 out of these 93 cases the midwife was the attendant at birth as well as the nurse. As has been said, these women seldom remained in the home or did the housework, but rather made visits once or twice a day.

The remaining three-fourths of the mothers did as most country women do at childbirth—depended upon relatives or neighbors for their nursing care. It is difficult to see how the great majority of country mothers would manage if they could not call upon their mothers and sisters for help in such emergencies. There are not nearly enough nurses of any grade to do all the childbed nursing in any of these country districts in Wisconsin; and, aside from the difficulty of securing hired girls, those who can be secured could hardly be trusted to give as conscientious care as the mother's own "folks." Of course hardships sometimes occur, as in the case of one mother who was left to care for herself and her baby for two days, with only a daily visit from a neighbor. On the third-day she became seriously ill; then her mother-in-law and the neighbor "stayed a day and a night, and worked over her all day"; but after the fever subsided she had to care for herself again.

### **Prenatal care.**

Less than one-fifth (19 per cent) of the mothers attended at birth by physicians had any medical care or supervision during pregnancy; only a very few (9) who were attended by midwives came under a doctor's care during pregnancy. In the districts covered, in only one-eighth of the recorded pregnancies did the mother have any medical prenatal care. In the villages nearly one-third of the mothers who had a doctor at childbirth had some care from him during pregnancy; but in the country only 1 in 6. As was to be expected, the mothers of the foreign group sought medical care during pregnancy much less than mothers of the American group; one-fourth of the native mothers of native parentage had prenatal care, but only one-eighth of the German mothers, and only 1 in 50 of the Polish mothers. Taking the three foreign groups together only 1 in 32 of the foreign-born mothers and approximately 1 in 10 of the native women of foreign parentage had any prenatal care.

Where a mother gets to town only once or twice a year, or where the town in which the family does its business has no resident physician, it is hardly to be expected that she will secure medical supervision during pregnancy; certainly not so long as she regards such care as a superfluous luxury. This is emphatically the case in the foreign groups, who consider a physician, even at confinement, an unnecessary expense. Over a large part of the northern county, a campaign of education of the general public will probably be necessary before the mothers as a rule will be willing to seek or accept prenatal care.

For the purpose of classifying the care received by mothers during pregnancy, the following outline of requirements for *adequate* medical prenatal care was drawn up after consultation with Dr. J. Whitridge Williams, professor of obstetrics in Johns Hopkins University:

1. A general physical examination, including an examination of heart, lungs, and abdomen.

2. Measurement of the pelvis in a first pregnancy to determine whether there is any deformity which is likely to interfere with birth.

3. Continued supervision by the physician, at least through the last five months of pregnancy.

4. Monthly examinations of the urine, at least during the last five months.

Though this standard is no higher than is necessary to insure the early detection of abnormal symptoms and conditions, it is not a standard which is generally attained in private or public practice, either in cities or in rural districts.

Patients whose supervision fell short of these requirements but included at least one personal interview with the physician, with a physical examination and with measurement of the pelvis if a first pregnancy, and one urinalysis are classified as having had *fair* care.

As the facts were reported by the mothers, only 2 of the 63 mothers who came under a doctor's supervision during pregnancy had adequate care according to this standard; neither of these was carrying her first child. Nine had fair care—only 1 of these was a first pregnancy and in this case the pelvis was measured; 7 out of the 9, moreover, saw the physician only once and had no subsequent urinalysis. Two others received care which would have been fair if they had not been primiparæ. Of the 52 who had inadequate care, 5 did not see the physician; 29 who saw the doctor received no physical examination; and 40, or three-fourths, had no urinalysis. Evidently the importance of testing the urine for albumin—the only sure way of detecting the beginning of toxemia or “kidney trouble”—needs especial emphasis in this community.



### MATERNAL MORTALITY.

Three maternal deaths connected with childbirth occurred in the selected districts during the survey period. The causes of death were reported as "toxemia, uremic eclampsia, pregnancy," "puerperal embolism of the heart," and "septicemia." Two of the three were doctors' patients. The one who died of septicemia was attended at confinement by a midwife; the mother became ill after having been up and around the house at the end of a week, and then called in a physician. She died six weeks later, after two operations. Her baby lived and thrived. The full record could not be secured for the mother who was reported to have died of toxemia, because the family had moved away; she bore stillborn twins at that time. The third mother "felt fine" during her first pregnancy, but had a difficult forceps delivery, followed by constant hemorrhage, which her husband believes was the cause of her death. Her baby was stillborn.

The county death certificates show 17 deaths outside the city from causes connected with childbirth in the period of the survey. There were 2,540 registered births during this period, which gives 7 maternal deaths per 1,000 births.<sup>1</sup> In 1915, when the estimated population of this rural area was approximately 42,500, there were 8 maternal deaths connected with childbirth, or a maternal mortality rate of 19 per 100,000.<sup>2</sup> These rates are only slightly higher than the rates for the birth-registration area and the death-registration area of the United States. But the rates for the registration areas are, in their turn, considerably above the rates in certain foreign countries.<sup>3</sup>

### MOTHER'S WORK.

#### Rest before and after confinement.

One-fourth of the mothers visited remained in bed for the customary period of 10 days; more than half, however, were in bed less than that time; and only one-fifth longer than the 10 days. In fact, 104 mothers (over one-fifth of the total) were up from bed in less than a week—45 of them in less than four days. This state of affairs

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<sup>1</sup> The rate is usually stated on the number of maternal deaths per 1,000 live births, but since the number of live births could not be accurately determined, the rate is stated as the deaths per 1,000 registered live births and still births. Owing to the probable omission of many births from registration, the number of registered live and still births probably falls somewhat short of the total live births in the district for the period of the survey.

<sup>2</sup> In 1915, in the death registration area of the United States, the death rate from puerperal fever was 6 per 100,000 population, and from other puerperal affections 9, giving a total rate for causes connected with childbearing of 15 per 100,000. *Mortality Statistics, 1915*, p. 59, U. S. Bureau of the Census.

In 1915 in the birth-registration area the death rate for all causes connected with childbearing was 6.1 per 1,000 live births. Computed from *Birth Statistics, 1915*, and *Mortality Statistics, 1915*, published by the U. S. Bureau of the Census.

<sup>3</sup> Meigs, Dr. Grace L.: *Maternal Mortality*, Table XII, p. 56. U. S. Children's Bureau Publication No. 19.

shows an alarming disregard for the mother's safety, either on her own part or on the part of other members of the family. Even while they were in bed some of these hard-working women were not free from household cares. One mother was found by a neighbor propped up in bed the day after confinement "with her dough board in front of her, trying to make biscuits"; this same mother had bathed her baby that morning.

Nearly twice as large a proportion of country as of village mothers secured less than 10 days' rest after confinement. An equally great difference was found between the customs of the American and the foreign group in this respect. In this county even the American mothers had inadequate opportunity for recuperation after childbirth, for one-third of them got up in less than 10 days; but half the German mothers and over two-thirds of the Polish group ran the same risk of injury. The Polish mothers took least care of themselves; in fact the records indicate that 7 days in bed instead of 10 was their standard. Nearly half the 88 foreign-born Polish mothers stayed in bed less than a week. One did not go to bed at all after her baby was born but got supper and milked the cow the same evening; another was in bed less than a day; and two more, only one day.

The difference between the mothers of the American and the foreign groups in this respect is, of course, largely a matter of physique and racial custom, but also is influenced by economic conditions. The American and German families as a whole are in better circumstances than the Poles and are therefore better able to arrange for the relief of the women from the pressure of work. This is only a general rule, however; there are American mothers hard pushed by their work even in the first weeks after childbirth, and on the other hand Polish mothers on prosperous farms who could have help if they saw the need.

Getting up from bed too soon does not always mean "pitching into" the housework immediately, but for many mothers it does. Thirty mothers began to do their cooking or cleaning within a week after the baby was born, and three even did the washing the first week. Though a fortnight was the generally recognized standard for rest from housework, about one-third of the mothers took up the lighter work within the first two weeks. After that time the majority began to do the heavy work as well; only about two-fifths waited as long as a month before doing any washing or ironing.

As was the case with the mothers in other communities studied, the large majority of those interviewed in this county kept up their lighter housework until the time of confinement, some from necessity or custom and some because they had found that they felt better if they kept active. Fifty-one reported that they did no housework for

at least the last two weeks before confinement; most of these mothers reported poor health during those last weeks, and one-half of them had a hired girl during that time. Almost twice as many—one-fifth of the total—did not do their washing and ironing in the last two weeks, but only a small proportion discontinued even this heavy work through the last three months of pregnancy.

In addition to the few mothers who kept a hired girl regularly, in 179 cases the mother had hired help with the housework during the lying-in period; this is not quite two-fifths of the total.

### **Usual housework.**

In many farm homes the indoor work is simplified to the last degree. The floors are bare or covered with linoleum; the articles of furniture are few and plain; there are few curtains or ornaments. The family dining table is covered with oilcloth and stands in the kitchen conveniently near the cookstove. Even in the matter of dishes and utensils there is economy. The everyday clothing is apt to be of a character which requires the minimum amount of washing and ironing. In some country families the amount of washing, sewing, and cleaning actually done is small. These facts must be kept in mind in estimating the burden which farm women are called upon to bear. The woman who tries to maintain a more elaborate housekeeping standard and also meets the farm's demands upon her strength often breaks down under the strain.

Only three country mothers and seven village mothers among those visited kept a hired girl for the greater part of the time.

Nearly half the mothers visited had had five or more children. At the time of the survey nearly half had households of more than 5 persons in addition to the baby; about one-seventh had more than 8 in the house; and families of 12 or more were sometimes found. Many of the larger households, of course, contained other adults; but the typical family consisted of the parents and three or four small children. A family of this kind, where none of the children is old enough to be a real help, makes as much work for the housewife as a larger one with older children.

Large families were more common in the country than in the villages. Often where the families were largest the houses were smallest, for a farmer who is engaged in clearing cut-over forest land ordinarily can not build a commodious house until long after the family has outgrown the original cabin. The resulting overcrowding is strikingly shown in the figures. Two or more persons—not counting the baby—to every room in the house may surely be considered overcrowding; and while few village families—less than 1 in 20—showed this condition, 1 in 4 of the country families was living with 2 or more persons to a room. Such a state of affairs makes

efficient housekeeping almost an impossibility, especially through the long winters when the children must spend so much time in the house and "underfoot." On the other hand, only about one-third of the country families were living with less than one person per room.

### **Water supply.**

Almost invariably wells furnish the water for drinking and for household use. The water situation as a whole was far from satisfactory. In the first place, a large proportion of the wells in some of the recently settled districts were so shallow as to be most insanitary. In the new Polish settlement the condition was atrocious in this respect; around many of the homes the ground was almost solid rock, and there would be either no water at all or an open hole in the ground—perhaps not more than from 8 to 12 feet deep and filled with water so roily that even an uninformed family recognized its unfitness. Secondly, though the well water is hard, few families had a rain-water supply. Thirdly, water in the house was almost unknown. Less than 1 in 10 (31) of all the country families visited in this county were provided with this elementary convenience; only 2 of these had running water; while none had a bathroom or water-closet. In the four townships in the central part of the county, only 7 families out of 249—in one township not a single family—had inside water. Eight families had an engine to run the house pump, while 13 barn pumps were equipped with engines.

Just half the families who had to carry water had their source of supply within 25 feet, and about one-tenth had to go 100 feet or more. In this county it was the usual thing for the mother to have to carry the household water herself. The hardest feature of the situation is that in most instances every bit of water must be carried up several steps, often of the roughest construction. Moreover, all household waste must be carried down these same steps.

None of the villages included in the survey had a public water supply available for family use; consequently each family had to provide its own water just as though living in the country.. About one-sixth (14) of the village families had water inside the house. In most cases this was the usual hand pump; only three families had running water, bathroom, and water-closet. In the paper-mill village, a strictly "company" town, there were only 11 wells for 81 dwellings.

### **Other household conveniences.**

Sinks for the disposal of waste water add almost as much to the housewife's convenience as does water in the house, and in most cases they are probably less costly; 30 country and 7 village families had sinks.

Aside from sewing machines, which were common in both farm and village homes, the one mechanical labor saver possessed by a large number of rural families is the washing machine. In this county, however, only about one-fourth of the mothers in the country and one-fifth of those in the villages had a washer. Twelve country mothers, and two in the villages had their washing machines run by engines.

A little intelligent care in planning homes would make work much easier for the housewife. Houses are commonly built upon high, damp-proof and frost-proof foundations. It almost never occurs to the builder to locate the pump on a porch or platform level with the kitchen floor. Fuel also is stored in a heap some distance from the house, or in a separate woodhouse if it is sheltered. The cellars often have no inside door, hence every trip to the cellar involves going outdoors.

### **Boarding hired men.**

Dairy farming has no such "rush season" as have other types of farming whose main output is some one crop such as cotton, corn, or wheat. The dairy farm has, it is true, a busy time when its chief homegrown feed crop—hay or corn or whatever it may be—is harvested; but the bulk of the work, the care and feeding and milking of the herd, goes forward steadily day by day throughout the year. One result of this is that the labor force must be kept nearly uniform through the year; if hired men are needed, they are apt to be kept on hand all the time; and it is often possible for the family to manage the work without outside help.

The small farms of the north country seldom require hired labor. Consequently only 95 mothers out of 327 whose husbands were farmers or farm managers boarded hired men during the time covered by the records, while 40 had hired men as usual members of their households. In a number of cases these men were carpenters and masons rather than farm hands, for house and barn building was often in process. Having a regular hired man ordinarily involved doing his washing as well as providing his bed and board, but this would not usually be the case with builders or temporary help.

### **Work for the dairy.**

Dairy farming, however, has disadvantages for the housewife as well as the advantage of relieving her of harvesting crews. In the first place, it almost invariably—at least on these Wisconsin farms—burdens her with the care of the dairy implements, pails, cans, and separator. The milk pails are always on hand to be washed and scalded. The sale of cream is probably the method of disposing of dairy products which is usually easiest for the housewife, since cleaning the separator, though troublesome, is not heavy work. On

the other hand, if she is called upon to operate the separator as one of her chores she does hard work, requiring much muscular effort. Next in order comes the sale of whole milk, which removes the separator but substitutes numerous 10-gallon milk cans—heavy, awkward objects to lift and clean. This is the form in which milk is most commonly sold. A mother who washes cans for a 10-cow dairy farm up to the time of confinement and begins again two or three weeks afterwards, as did many mothers in the northern county, runs a decided risk of injuring herself. Last, and most arduous for the housewife, comes the sale of butter. This involves a separator to clean and perhaps to run, the care of the cream and its storage vessels, usually the churning, and almost always the butter to “make up,” even if someone else runs the churn. Many mothers in this county made butter for sale. About one-third of the farm women (103) stated that they churned and made butter either for the family’s use or for sale. The usual type of churn was the rotary or barrel churn, but a considerable number still used a dasher churn.

### **Milking.**

The women commonly helped with the milking; among the German and Polish families, if the herd was small, the milking was apt to be left entirely to them. Three-fourths (256) of the farm mothers milked; and most of those who milked during pregnancy kept it up until the time of confinement. One Polish mother got up to milk her cow on the fifth day after her baby was born and then went back to bed again for two days.

### **Other chores.**

The care of the garden and of the chickens was the commonest form of outdoor work done by the mothers. More than three-fourths of all the mothers, both in the country and villages, worked in the garden. The care of chickens was an almost universal duty but did not usually mean a great deal of work, because most families raised only chickens enough for their own use.

Many mothers cared for the pigs and calves, and a few for other stock, but this was not an important part of their work. In the newer districts some of them had to chop or saw the household supply of firewood in addition to a multitude of other tasks. Nine did this up to the day the baby was born and one started in again a week afterwards.

### **Field work.**

In half (168) the farming families the mother reported having done more or less field work during her last pregnancy or the year following. Such work ran the whole gamut from “raking a little hay” or “driving team for the unloader” or “picking potatoes” to

"planting, hoeing, and digging potatoes, cultivating and picking cucumbers, cutting corn and oats, carrying oat sheaves into the barn, and sawing stove wood," or "raking and loading hay, hoeing and digging potatoes, cutting and grubbing brush, pitching rocks, and cutting stove wood and pulp wood for sale"—in addition, of course, to milking, gardening, caring for chickens, and all the housework.

In the main the women who did field work belonged to the German and Polish groups. Furthermore, though many German women helped in the fields, few of them did anything like the amount and variety of field work which was the common lot of the Polish women. On the small farms of the recent Polish immigrants it was a usual arrangement for the women to do the bulk of the farm work as well as much of the land clearing while the men worked away from home for wages. It was a common sight in harvest time to see a group of these women helping one another in the field, often cutting oats among the stumps with hand sickles. A few of these Polish mothers even cut cordwood, at \$1.50 a cord, to provide the necessary groceries for the family, while the husband's wages went to meet the mortgage or the doctor's bill.

Undeniably a moderate amount of outdoor exercise is good for most women; and probably many women can do strenuous outdoor as well as indoor work without injury if they have been accustomed to it, as most of these northern farm women had been from girlhood. But it must be borne in mind that the records under discussion deal with a special group of women, each of whom had borne a child during the period which the record covers. For such women the possibility of injury from heavy work is closely connected with the question of how near it came to the time of childbirth. When a mother rakes hay on the day her baby is born and again eight days afterwards, the question of risk of injury assumes a different aspect from that which it would have at another time.

Field work has the additional disadvantage of depriving the baby of his mother's care. These hard-working country mothers almost always managed to nurse their babies, either taking them along to the fields, or more commonly returning to the house when necessary; but in the intervals a young baby was often left in the hands of children hardly old enough to meet such a responsibility. One baby was said to have been fatally injured by being dropped by an older child who was acting as nurse. Another Polish baby was burned to death while his mother was out helping her husband in the woods; the other children ran out from the burning house, but left the baby in his cradle.

Inevitably most of the field work done by these mothers, such as planting, haying, harvesting, gathering potatoes, had to to be done when the crop called for attention, without regard to the conven-

ience of the worker. As one overworked mother remarked, "the work has to be done." It would not be surprising, therefore, to find that mothers whose babies were born in the summer had helped with the rush work close to the time of childbirth. As a matter of fact 36, the majority of whom were Polish, reported having worked in the fields within four weeks of confinement; considering the urgent need for the women's help on many farms, this is not a large proportion, but from the point of view of the safety of mother and baby the matter is seen in a different light. Nineteen of these mothers worked up to the day of confinement; five were in the fields in a week or less afterwards.

On the whole, the urgent work like haying and harvesting grain was responsible for less of the work done near the time of childbirth than was work like tending the potato crop or clearing land, which is less pressing at any particular time. The probable explanation of this fact is that the latter class of work was common only among the Polish women, who do not plan to spare themselves during pregnancy, while the women of other nationalities, who often help with the rush work, would not usually do this close to the expected time of confinement or soon afterwards.

Haying time is the season of greatest work pressure on the dairy farms of this section of the country. It ordinarily comes in July and lasts from two to four weeks; immediately thereafter comes the grain harvest (oats, rye, barley), making with the haying a busy season of about two months. But the farms of this county produce so much more hay than grain that haying brings much more work than harvest. And in this northern country the mother would often go into the hayfield herself if help were needed. On many a small farm the farmer and his wife and children managed the haying together, with no outside help.

Three-fourths of the mothers who did any field work helped with the haying. Mostly they raked or shocked, or drove the wagon or the unloader team, or stood on top of the load to pack the hay as it was thrown up; some women, however, did all work at haying, including loading and unloading, pitching hay on and off the wagon. With the mothers of the German group haying was the most common field task, and half the 62 who reported working in the fields did no other field work. In spite of the fact that haying is usually a "rush job," involving a serious loss if the crop is not attended to promptly, only 10 mothers worked in the hayfield within a month before or after confinement; four of these worked up to the last day before the birth.

Haying and harvest work are commonly regarded as one continuous task; thus a mother would report in one phrase that she "drove team for haying and harvest" or "pitched hay and grain"



or "helped with all work at haying and harvest." Nevertheless, only about half as many mothers (56) worked in the harvest as at haying; over half these harvesters were of the Polish group. They took part in all the necessary occupations—cutting, raking, binding, shocking, loading, and unloading, and especially "driving team." Only two mothers helped with harvesting up to the day of confinement.

Next to haying, work with the potatoes was the commonest field task. Mothers reported tending the potato crop through all its stages, from planting, through hoeing, spraying, and "bugging," to digging and picking. Planting and digging are the heaviest work, and were reported by 75 mothers. Since the Poles are the chief potato raisers of the county, it is natural that the majority of Polish mothers who did any field work worked "in the potatoes." For only a few of them, however, was this the only task; the usual report included haying and harvesting and clearing land as well. Eight mothers worked with the potato crop up to the day of confinement, and five began again in a week or less afterwards.

In the pioneer districts many mothers also helped clear the land—cutting brush, grubbing roots, picking and pitching rocks, and even pulling stumps. All this is heavy work but not especially rush work. Of similar character are the various lumbering tasks reported by a few mothers, who even cut and skidded logs, or cut and piled pulp wood and cordwood for sale; in the Polish settlement cutting and bringing in the stove wood was commonly a woman's job. Preparing the fields—plowing, driving drag, handling manure—was work which the women were seldom called upon to perform.

Of the other miscellaneous tasks reported, one of the most arduous, because of the constant stooping, was picking cucumbers—a common crop in the sandy areas. The mothers who cared for the ginseng bed, who pitched pea vines, or who made maple sirup for four weeks in the spring, represented unusual phases of farming for this district.

How all this work may affect the life of the individual mother is illustrated by the following stories:

A Polish family of mother, father, and two children lived on a clearing of 7 or 8 acres back in the woods 8 miles from town. The mother did her housework and cared for her chickens and pigs up to the day the baby was born, in September, and dug potatoes a week before, in spite of frequent fainting spells and a "bad" leg; during the preceding summer she cut brush, stove wood, and pulp wood, picked stones, hoed potatoes and garden, and raked and loaded hay. She said that the farm work, which she never had done until she came to the country three years before, was easy for her except when she was pregnant; but then it was hard. Her husband nursed her and the baby—except that she bathed the baby—and did the housework for a week; after that she got up and cooked the meals, one week

after a difficult instrumental delivery. At the end of two weeks she was doing her chores, including milking the cow; two months afterwards, in the heart of winter, she was again cutting brush and wood in the forest, leaving the baby and a 2-year-old child in the care of their 8-year-old sister.

A Polish family with two small children came to a stony 40-acre tract, of which only 5 acres were cleared, and struggled to pay for the land with the father's wages as a day laborer. A baby was born in October of the first year; the mother was in good health and worked up to the last day, milking, caring for chickens, pigs, cow, and calf, picking stones, sawing and piling stove wood. In the summer she had made hay and earlier in the autumn had hoed and dug potatoes. After the baby came the father did the housework three days and the midwife did one washing; by the end of one week everything—including chores and sawing wood—fell upon the mother's shoulders again. Another baby was born in April of the second year. The mother had a fall a month before confinement which kept her in bed the whole month; but up to that time she had done everything as usual. Her husband did the housework for a week after the confinement on this occasion, and she stayed in bed a whole week, with daily visits from the midwife; afterwards she was more careful about her chores also—did nothing out of doors for two weeks. But after the fortnight she milked two cows; churned; made the garden; tended chickens, pigs, and cattle; hauled manure; chopped, sawed, and piled wood; and after three weeks she began to plant the potato crop. When the baby was 2 months old the father went away to Milwaukee to work, leaving all the farm work to the mother. At that time the oldest of the four small children was not yet 5. This mother was used to heavy work, for as a girl in Germany she had worked as a farm hand, "hauling manure, pitching grain—everything."

A Polish father and mother—living on a 40-acre farm, of which they had brushed 10 acres and stumped one and a quarter since they bought it, about three years previously—said that they did all the farm work together, "half and half." This included clearing land and cutting cordwood, as well as raising crops. There were three small children, the oldest  $2\frac{1}{2}$  years of age. Throughout every pregnancy the mother was afflicted with persistent vomiting; two of her babies had been delivered with instruments, after protracted labor. The second baby was born in the dead of winter; the mother ran the separator and milked up to the last day, and cared for the stock until a week before confinement, when her husband came home from the paper mill; but she did no field work after the potatoes were dug. The father did the housework and took care of her for two days; on the third day she got up, cooked, and did the milking. She did the washing and ran the separator a week after the baby was born and was out cutting wood six weeks afterwards. In the summer she picked stones, made garden, looked after the cattle, and worked in the hay and harvest fields; in the autumn she dug potatoes again. The third baby was born the following spring. The father worked in the paper mills all winter until about three months before the baby was born; but, even after his return, the mother did her share of the work; she picked stones up to the last week, milked, ran the

separator, worked in the garden, and cut cordwood and brush until the last day. Again she stayed in bed only three days, with her husband as nurse, and immediately thereafter began to cook, care for the house, and milk. Four days after confinement she worked in her garden and planted potatoes in the field; a week after, she did the washing and ran the separator; six weeks afterwards she was working in the hay field. She had done farm work practically all her life in Poland, beginning at 14 to do heavy work like spading, reaping, binding, and loading grain. She said that her work had never injured her in any way.

A German mother, living on a 20-acre clearing near the end of a rough "blind-end" road 13 miles from town, drove team at haying and harvest, shocked hay, and bound oats every summer. Her fourth baby was born early in September, two weeks after she ceased her work in the fields—and she complained of being "weak in the back" that summer. The next baby was born in April of the second year and was 3 months old before his mother went out to work "in the hay." She stayed in bed only three days each time, though she had a hired girl for a week. After the last confinement she began to get the meals as soon as she got up; she washed, milked, churned, and made butter after two weeks, with the help only of her 7-year-old daughter. The time before, she did all the housework after one week but no outside work, except tending the chickens, until spring.

A German mother, living on an 80-acre dairy farm 16 miles from town, had four small boys, the oldest 10. She said that she always helped with all the work on the farm—it had to be done. All through her last pregnancy, which terminated just in haying time, she was badly nauseated and miserable generally; yet up to the last day she milked five cows, made butter for sale, cared for her garden and chickens, and made hay. She had some fever after confinement but got up the fourth day, when her mother left, and did her housework; the next day she milked; a week after confinement she washed, churned, and began to look after her garden and chickens. When the baby was three weeks old she was again doing "all work" on the farm; haying was then over, but harvesting was in full swing.

A German mother with two small children lived on a 40-acre farm, of which about one-third was cleared, in the sandy country. Before the third confinement (in September) she was troubled with headaches, varicose veins, and swollen hands and feet; but she kept up all her housework and chores—milking and feeding two cows and tending chickens—and cut corn the last day. Two weeks before, she had hoed potatoes and a week before that picked cucumbers. She had a neighborhood midwife at confinement, who washed the baby the first time; the father did the housework for one day. On the second day after confinement the mother got up, washed the baby, and cooked the meals; one week afterwards she was churning, milking, and looking after the stock; but she had the washing done twice. When the baby was 5 weeks old she went to the field to dig potatoes. This woman had never done any farm work until the family came here six years ago to uncleared land, and she said that it was too hard for her. At the time of the interview she was "nearly used up" from picking cucumbers in the sun.

A German mother with six small children did all the housework with the help of the two older children—girls of 8 and 10. Her next baby was born in the winter, at the season when there were two hired men on hand to help with the logging. During the winter the mother felt miserable and did no outdoor work except to care for the chickens. But in the summer and autumn, both the year before and the year after confinement, she planted, sprayed, and dug potatoes; in the summer when she was pregnant she also pitched and unloaded both hay and grain. She said that she had been accustomed to this kind of work from the time she was about 13 years old. The summer following the birth of the last baby she did not make hay nor harvest, but instead she boarded masons and carpenters for three months while a new barn was being built.

### INFANT WELFARE.

#### Infant mortality.

The term "infant mortality rate" means the number of deaths under 1 year of age per 1,000 live births. In ordinary statistical usage, such a rate is computed by dividing the registered deaths in a given area by the registered live births in the same period. Its value is dependent upon the completeness of both birth and death registration, and it has the further disadvantage that the infants who die are not necessarily the same ones who were born in the period and district under consideration. In its studies the Children's Bureau computes the infant mortality rate by following up each child born alive, to determine whether or not it was alive at the first birthday, the number of deaths in the group per 1,000 live births giving the rate. A rate of this kind, if based on a thorough canvass, can be obtained even where birth registration is incomplete, and gives a reliable index of the chances of death or survival in the group. In computing such a rate it is necessary to exclude all children born within a year of the time the study was carried on, since it can not be assumed that all those who were alive at the time of the agent's visit would live to the first birthday.

For the rural portion of the northern county—i. e., the whole county exclusive of the one city—the rate, based on birth and death certificates, for 1914 and 1915, together, is 73 per 1,000.<sup>1</sup> With complete birth registration the actual county rate would probably have been lower than this; but even as it stands, it is lower than the average for the rural parts of the urban counties (counties containing cities of at least 10,000 population) of the State, which was 83 in 1914 and 78 in 1915.<sup>2</sup> The birth and death certificates for the townships chosen showed that taken altogether these districts were fairly representative of the county in respect to infant mortality.

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<sup>1</sup> Twenty-sixth Report of the State Board of Health of Wisconsin, 1916, pp. 316-318.

<sup>2</sup> *Ibid.*, p. 310.

The infant mortality rate, based on the death or survival of the babies for whom schedules were secured, turned out to be considerably lower than the preliminary figures based on the certificates. Namely, out of 237 babies born alive a year or more before the investigation, 14 died before they were 1 year old, giving an infant mortality rate of 59 per 1,000. Fourteen of the 238 babies born alive within the year had died before the visit was made, and a few more deaths in the first year of life might be expected in this group (giving a rate probably somewhat in excess of 59 per 1,000). Therefore, the babies in this county have a considerably better chance of survival than the average. Even the rate given by the survey, however (59 per 1,000), should not be accepted as satisfactory. It should always be remembered that any deaths among babies means something wrong somewhere, and every community should set as its aim the preservation of all its children.

Premature birth and congenital debility were responsible for a greater number of deaths, 9 out of 28, than any other group of causes. Of similar significance is the fact that 7 of the 28 deaths occurred within the first day, and 15 (more than half) before the child was 2 weeks old, in contrast with a proportion of 38 per cent of deaths under 2 weeks in the death-registration area in 1915.<sup>1</sup> The main line of attack in efforts to reduce infant mortality must clearly be directed toward improved maternity care. That this condition is general throughout the State was one of the conclusions reached in a State-wide study made by Dr. Mendenhall,<sup>2</sup> who says:

In Wisconsin the infant death rate is falling and is in general not excessively high; but there is no decline in the deaths the first few weeks of life. The work done to save the babies has not as yet affected those who die at birth, who are too injured, too diseased, or too weak to live. The health of the mother and the care she receives in pregnancy, in confinement, and in the lying-in period must be studied if we wish to save the children who die at birth.

Excluding children born within the year preceding the investigation, the mothers interviewed had borne during their entire child-bearing history, 1,821 live-born children and had lost 162 of them before they were a year old—an infant mortality rate of 89 per 1,000.

In this county (see Table II, p. 91) the mothers of the American group had lost a somewhat larger proportion—97 per 1,000—of their babies than the German mothers—71 per 1,000. Among the babies of the Polish mothers, however, the infant mortality rate had been much higher—114 per 1,000. The Polish mothers of both foreign and American birth had lost more than 1 in 10 of their babies; the American-born Polish mothers had the worst record of any group—an infant mortality rate of 134 per 1,000. Within the survey period,

<sup>1</sup> Mortality Statistics, 1915, p. 645. U. S. Bureau of the Census. Washington, 1917.

<sup>2</sup> Mendenhall, Dr. Dorothy Reed: "Prenatal and natal conditions in Wisconsin," in Wisconsin Medical Journal, Vol. XV, No. 10 (March, 1917), p. 353.

also, the deaths among the babies of the Polish mothers were excessive. This is not surprising, in view of the unhygienic standards of living and of feeding and caring for the children prevalent in the Polish communities. The German mothers born in the United States succeeded in bringing through the first year a larger proportion of their babies than the American mothers; but the foreign-born Germans did not do so well.

### **Stillbirths and miscarriages.**

Another problem dependent for its solution upon better prenatal and obstetrical care is that of the loss of potential child life through stillbirths and miscarriages. This is evidently an important problem in this county, for both the stillbirth and miscarriage rates were high.

Within the two years of the survey the mothers interviewed in the northern county had 19 stillborn children—38 per 1,000 births. This is somewhat higher than the average stillbirth rate—34 per 1,000—in the seven cities where this problem has been studied by the Children's Bureau; apparently, therefore, rural conditions as exemplified in this district have not operated to cut down the stillbirth rate. That it might be much lower is indicated by the fact that the stillbirth rate in the Kansas study was only 11 per 1,000 births.

For the two-year period studied, the German mothers had proportionately more than twice as many stillbirths as the mothers of the American group, and also a higher proportion of stillbirths than the Polish mothers (see Table III, p. 91). When all the pregnancies of these mothers throughout their childbearing history are taken into account (see Table IV, p. 92), the stillbirth rate, 2 per cent, is lower in the total and in each group than when only the last two years' history is included; but the relations between the different nationality groups are the same. The mothers of the miscellaneous foreign group had the highest percentage of stillbirths—6 per cent; next came the German mothers, with a rate of 3 per cent; then the Polish, 2 per cent; and the American mothers had the low rate of 0.9 per cent. Without question the Polish mothers had the least adequate care at childbirth, but nevertheless they show the lowest stillbirth rate of any foreign group.

The mothers interviewed reported two or three times as many miscarriages as stillbirths—6 per cent of their total issues. This is the highest rate found in any of the Children's Bureau rural studies and nearly one-fifth higher than the average rate for all the cities studied (5 per cent). Again we find the German, and especially the "other foreign," mothers having more miscarriages than the Polish mothers; there was little difference between the American and the German groups in this respect.

**Feeding customs.**

Breast feeding was general. Only a few (13) babies were artificially fed from birth; 26 (6 per cent) were weaned before the middle of the first month. Only a small proportion, less than one-fourth, had any other food than breast milk before the middle of the third month. Nearly half the babies were still exclusively breast fed in the sixth month; but the proportion fell in the seventh month almost to one-fourth because of the custom of beginning other food besides milk at about 6 months of age. Only one-sixth of the 6-months-old babies had been weaned and not quite one-fourth (23 per cent) of those 9 months old. Breast feeding was continued well into the second year; at 12 months, half (55 per cent) the babies were still nursing; at 15 months over one-third; and at 18 months one-sixth; a few had not been weaned even by the second birthday. This custom, common in country districts, of nursing babies beyond the first year is disapproved by most medical authorities.

It is usually believed that foreign-born mothers resort to artificial feeding less than do native mothers. In this county such did not prove to be the case with the younger babies. In the early months, as indicated by the percentages in the first and third months, the American mothers of native parentage had a better record both for exclusive breast feeding and for not weaning their babies than the mothers of the German or the Polish group, or the whole group of foreign-born mothers. For the later months, however, as shown by the percentages for the sixth and ninth months, a larger proportion of the babies of foreign-born mothers were breast fed, indicating that these mothers continue nursing longer than do the American mothers. The Polish mothers continued exclusive breast feeding in these months to a greater extent than either the German or the American mothers. In the sixth month the percentage of babies weaned was lowest in the Polish group; but for the ninth month it was the German mothers who had the smallest proportion of their babies artificially fed (see Table V, p. 92). The foreign-born mothers postponed weaning somewhat longer than the native mothers, especially those of native parentage.

The proportion of infants weaned was smaller in the villages than in the country districts throughout the first year of life.

**Birth registration.**

In the northern county 110 children whose births had not been registered were found by the canvass. This was 24 per cent, nearly one-fourth, of the live births in the area. More than one-half (61) of these unregistered births occurred in one township; in the rest of the selected districts, the percentage of nonregistered births was only 14. The township where registration was so poor—61 failures out

of 109 live births—contained the recent Polish settlement, in which only 6 out of 48 live births were reported. Elsewhere in this township, however, the registration was worse than the average; and the township clerk had made no effort to enforce registration in the Polish settlement, although he was aware that the Polish midwife was reporting none of the births she attended. In the older Polish settlement, where practically all the births were attended by midwives, scarcely any went unregistered; this was due primarily to the activity of the clerk, who saw to it that births were reported to him even if only by word of mouth.

Of the 110 unregistered births discovered in this county 42 were attended by physicians and 44 by midwives. Outside the one Polish settlement where registration went so largely by default, only 15 unregistered births were attended by midwives; as a whole, therefore, the midwives may be said to attend to the registration of their cases at least as well as do the doctors. In one township the midwives had adopted the practice of having their cases reported by the father under his name as informant, with the result that the records showed practically no births attended by midwives.

In the northern county much will have to be done in the way of education of physicians and local registrars, as well as of parents and midwives, as to the importance and obligation of registering births before satisfactory registration is secured.

No unreported deaths of live-born children were discovered, but there were no death certificates for 6 of the 19 stillbirths, and no birth certificates for 5.

On the whole, the impression left after the visits with the mothers in this northern county was that they had met the demands of their strenuous pioneer life with notable success. In spite of the serious deficiency of adequate medical and nursing service and notwithstanding the heavy work done by these child-bearing women, most of them had experienced remarkably little difficulty in bearing and rearing their children. This, of course, does not remove the obligation of the families to lighten the mothers' work as far as possible, nor of the community to see that adequate care is provided. No mothers nor children should be subjected to avoidable risks; even though serious trouble may be infrequent, it is none the less calamitous when it does occur.



## **PART II. THE SOUTHERN COUNTY.**

### **ECONOMIC AND SOCIAL CONDITIONS IN THE COUNTY.**

This county lies in the southwestern quarter of the State, to the south of the Wisconsin River. It is approximately 25 by 30 miles in extent. The population in 1910 was between 22,000 and 23,000; it had remained practically stationary since the census of 1870, tending, however, to decrease. The decrease in the last decade was general throughout the county except in a few villages; in all probability it has continued during the years since 1910 except in the mining district. Within the county are 10 villages ranging from about 200 to 1,100 population; and two cities, of about 1,800 and 2,900. The smaller of these two cities, located near the center of the county, is the county seat. The larger is a center of an important zinc mining district.

#### **Topography and soil.<sup>1</sup>**

This part of the State is a beautiful rolling or hilly country, with many fine trees, ample farm buildings, fertile fields, and pastures full of cattle. The watershed between the Wisconsin and Pecatonica Rivers crosses from east to west through the middle of the county, forming a broad, level ridge nearly 500 feet above the Wisconsin bottom. This ridge and the valleys of the streams leading down from it in both directions are the important features of the local topography.

The streams flowing northward toward the Wisconsin River have cut deep narrow valleys, with the result that the whole northern half of the county is rugged and hilly, with precipitous ravines and cliffs in many places. In this area the soil both on the hills and in the valleys is silt loam of good quality, the valleys being considered exceptionally fertile where they are not subject to floods. But along the sides of the valleys are many steep, rocky bluffs which are useless to the farmer; and the hillsides, even where the soil is good, wash out in gullies if they are cultivated, and consequently can be utilized best as pastures. In the rougher parts of this section, the oak woods which originally covered all the hills are still standing, giving a wooded appearance to the whole landscape as seen from the ridge.

Along the ridge and in belts extending southward lies a rich rolling prairie which toward the west widens out into a nearly level

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<sup>1</sup> Data from a soil survey made by the Wisconsin Geological and Natural History Survey.

plain. This prairie soil is fertile, and practically all of it can be cultivated; corn and small grains thrive, and the pastures of grass and clover are almost incredibly luxuriant.

The stream valleys leading southeasterly from the prairie reproduce in a general way the soil and topography of those to the north, except that the hillsides are not so steep nor so rocky.

### Type of agriculture.

In the early days—from about 1829, when the agricultural development of the prairie uplands began, until about 1870—wheat was the chief crop of this county; this was followed for a time by flax. The soil depletion resulting from the continued cultivation of these crops was one of the causes of the change to dairying and stock raising which took place about 35 years ago.

At present dairying is the predominant branch of farming throughout almost the entire county; the chief exception is the western end of the prairie, where corn grows unusually well and many farmers make a specialty of raising or fattening market cattle and hogs. Elsewhere almost every farm produces milk for sale. Dairy farming is particularly well adapted to the hilly districts, comprising fully two-thirds of the county, because it provides an advantageous use for the hillside pastures; farms in these areas almost always include some bottom or hilltop land upon which the necessary grain and forage crops for winter feeding can be raised.

Nearly all the milk produced is sold to local cheese factories. In 1916 there were 131 of these factories; they are to be seen every few miles through the countryside, while there were only 7 creameries. A large number, probably more than half, of the cheese factories are owned by cooperative associations of farmers in the neighborhood. Where the farmers own the whole plant, they usually pay the cheese maker a fixed salary; where the cheese maker owns the machinery and furnishes the materials, he is allowed to charge a certain rate per pound for making the cheese and to take what profit he can out of that, while the rest of the proceeds goes to the farmers. There is keen competition between the managers of cooperative plants and the owners of factories in the same neighborhood, who pay a flat rate for milk, as to which shall yield the milk producers the larger return.

Since dairy farming was introduced—i. e., since about 1880—there has been little change in the agriculture of the county. The amount of land included in farms increased only 8 per cent during this period, and the acreage of improved land only 11 per cent; in the later years, along with the decrease in population, the number of farms has been growing smaller, and their size somewhat larger.

The proportion of land improved (59 per cent at the last census) is not far below the figure of 65 to 70 per cent, the proportion of the total area of the county which the State conservation commission estimated to be fit for cultivation.<sup>1</sup> In brief, this county is, and has been for a generation, a well-settled district with a stationary or diminishing population and a stable type of agriculture well suited to its physical characteristics.

The ordinary farm at the present day runs well over 100 acres in size. According to the last census, the largest group of farms—one-third of the total—was that containing from 100 to 175 acres, and over half of all the farms were between 100 and 260 acres. Nearly half the farms visited in the course of the survey contained at least 200 acres.

### Rural density.

Excluding the cities and villages, the rural population of the county in 1910 was approximately 13,400, which gives a density for the open country of between 17 and 18 persons per square mile.

### Economic conditions.

This county has the reputation of being one of the notably prosperous counties of the State. Certainly in so far as fertility and land values go it bears out its reputation; prairie land and arable tracts along the creeks have a market value of from \$100 to \$150 an acre. As a rule, the farms, especially on the prairie, present a prosperous appearance. Houses, barns, silos, and other buildings are ample in size and as a rule well built and well kept, though often without modern improvements. Both meadows and grainfields ordinarily yield good crops; nearly every farm is well provided with live stock, while valuable herds of cattle are not uncommon.

In spite of its prosperity this county has employed no agricultural agent and has allowed its county fair to lapse. There are no cooperative undertakings except the cheese factories.

In this community farming has been long enough established to develop the tendency of well-to-do farmers to retire and rent their farms to tenants. The point was reached long ago where a prospective farmer could not find new land out of which to make a farm but must acquire one ready-made from a previous owner; and land is valued so high that a farm means a large investment. Naturally, therefore, a certain amount of tenancy results. In 1910,<sup>2</sup> one-fifth of the farms in the county were operated by tenants, a slight increase over the 1900 figure; this is not an excessive proportion, though it is considerably larger than the percentage (14) for the State as a whole.

<sup>1</sup> First report of the Conservation Commission of the State of Wisconsin, 1909, p. 42.

<sup>2</sup> Thirteenth Census of the United States, 1910, Vol. VII, Agriculture, pp. 902, 922.

It so happens that in this district the tenant in most instances occupies a dwelling which the owner built for himself before retiring; thus he is comfortably housed and has good farm buildings. It takes considerable capital for cattle and other equipment before a man can farm even as a tenant in this district; consequently the really poor renter is seldom found, except as an occasional immigrant (usually Swiss) undertakes the seemingly impossible.

After an enterprising farmer has rented a farm for a time he usually attempts to buy his land, and with prices as high as they are this almost inevitably means a burdensome mortgage. A farmer in this case is apt to have a worse time financially than a tenant. On the other hand, farm owners who have their land paid for, or who have inherited a farm, are as a rule in very comfortable circumstances.

### **Nationality.**

This county is predominantly native American; at the last census only 14 per cent, or less than one-seventh, of the population was foreign born. The American born were about equally divided between those whose parents were native and those whose parents were immigrants. English, German, and Norwegian were the chief foreign nationalities represented, both among the foreign born and those born in the United States. In the main, these nationalities are well assimilated into the community, and the atmosphere is nowhere strongly foreign. The more recent immigration, of smaller volume, falls into two distinct classes—farmers, chiefly German Swiss, many of whom came into the county as farm hands and subsequently took farms in the rougher districts which the native farmer considered hopeless; and mine laborers of various Slavic nationalities who are found in small groups in the mining settlements.

### **Literacy and education.**

As might be expected of a well-established, prosperous, native farming district, there is little illiteracy. Outside the larger city (the only one of over 2,500 population), the illiteracy rate among the native born was only 0.6 per cent, while among the foreign born it was only 7 per cent.<sup>1</sup> All the American-born mothers visited in this county and all but two of the foreign born were able to read and write.

The country schools are all one-teacher schools, and the salaries paid are low, \$320 a year being the most common stipend. The villages do better in this respect, for they have graded schools and the teachers receive a slightly higher salary, most commonly \$450. Nine-tenths of the country schools had an eight-months' term; 9 of the 10 villages in the county, as well as the two cities, maintain high

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<sup>1</sup> Thirteenth Census of the United States, 1910, Vol. III, Population, pp. 1087, 1099.

schools. Consequently secondary education is fairly accessible to country children in most parts of the county and would be within the reach of nearly all if the roads in winter were better.

#### **Means of communication.**

Two main railroads and three branch lines cross the county; most of its area is sufficiently equipped with railroad facilities, though there are isolated neighborhoods. However, the railroads are so located that intercommunication is difficult. The lower half of the Wisconsin River drainage slope has practically no railroad communication and consequently almost no intercourse with the rest of the county; its urban center is a large city in the adjoining county. The two cities in the county, though they are only about 12 miles apart, have no direct railroad connection with each other, and none with large sections of the county. This situation is an obstacle to the county's uniting on any common plans or undertakings, for habitual travel and lines of interest follow the railroads almost exclusively.

One reason why this community is so dependent upon its railroad facilities is that its highroads are often difficult to travel. In 1914<sup>1</sup> there were only 20 miles of sand-clay roads, 5 miles of macadam, and no gravel roads—only 2 per cent of the total mileage surfaced. In some townships the dirt roads are well kept and even dragged regularly; but in spite of good care they are bound to be heavy in wet weather—which means several months of the year. In the hilly country it is so difficult to get about during the winter and spring that some families away from the main roads reported that they had been practically marooned for long periods. Many of the hill roads are hardly more than ungraded tracks, painfully steep and rocky. But the worst roads of all are in the mining district, where the heavy hauling from the mines will ruin even a macadam road within a short time.

A peculiarity of this part of the State is that many homes are located so far back from the highroads that it is necessary to cross two or three fields, opening gates along the way, or to drive a long distance across the hills over a rough farm road in order to reach the dwelling. This condition is said to have arisen from the fact that the houses were built before the roads were located; but whatever the explanation, it certainly aggravates the isolation of many a family. One mother, whose home was reached only by climbing one of these rough, hilly private roads, told the agent that she was able to go to town only once a year and had no neighbors within walking distance.

The county is well supplied over most of its area both with rural mail delivery and with telephone lines. Among the families visited,

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<sup>1</sup> Public Road Mileage and Revenues in the Central Mountain and Pacific States, 1914. U. S. Department of Agriculture, Bulletin No. 389.

only five had to go as far as half a mile and only one as far as a mile to reach a telephone, while the large majority had their own telephones.

#### SELECTED TOWNSHIPS.

The study covered 3 of the 14 townships in the southern county. These were selected to represent different localities. One is just south of the Wisconsin River, embracing some bottom land but lying largely in the rough, hilly country; this township includes one village of between 300 and 400 inhabitants. The other two are on the southern border of the county; both include some prairie and some more hilly land along the streams. One of the two latter townships is purely agricultural and contains no village but only a couple of small hamlets. The other lies partly in the mining belt and includes two villages, in both of which mining is an important factor.

#### FAMILIES INCLUDED IN THE SURVEY.

In the southern county less than one-fourth (38) of the 161 families visited were village people; the others lived in the open country.

#### Nationality.

Half (51 per cent) the parents in these families were native born of native parentage. In this county, as distinguished from the northern, the generation of parents who were the children of immigrants had largely lost their foreign characteristics and did not stand out as a distinct factor in the community. This group formed a little over one-third (35 per cent) of the total; about one-fifth were of German (paternal) parentage, and the rest of various other nationalities. Only about one-seventh (14 per cent) of all the parents were foreign born; of these one-third were German. These German immigrants nearly all came from Switzerland. In the mining districts five Serbian mothers and two Polish mothers had babies who were included in the survey. Of 20 foreign-born mothers, all but 7—4 German Swiss and 3 Serbian—could speak English; in no instance had a native mother of foreign parentage so far escaped amalgamation as to be unable to speak the language of the country where she was born and reared.

#### Father's occupation.

In this county 87 per cent of the fathers in the country families visited were engaged in farming; 3 farm managers and 10 farm laborers were included in this group of 107. Eleven zinc-mine employees formed the largest group of nonfarmers. Three cheese makers, 1 storekeeper, and 1 "odd-job" laborer completed the list.

In the villages, the zinc miners were in the majority; the others were scattered among the usual village occupations.

**Land tenure.**

The proportion of farmers included in the survey who were tenants (44 per cent) was twice as high as the census figure of 20 per cent for the entire county. Forty-four per cent is a high proportion of tenancy and indicates that the fathers, who were financially responsible for the care of the mothers and babies with whom this survey is concerned, were not as well able to meet this responsibility as census data for the county would imply.

**MATERNITY CARE.**

Of the 161 mothers visited in this county, 14 had borne children twice within the two-year period of the survey; half (52 per cent) those who had been married at least two years had borne children or had a miscarriage on the average more than once for every two years of their married life.

**Availability of physicians.**

The American Medical Association Directory of 1916 lists 22 physicians in the county; this gives approximately 1,000 persons per physician, which is somewhat less than in the other county but still higher than the average for the United States. All but one of the villages had resident physicians at the time of the survey; nevertheless there are a few places where a country family may be 10 miles or more from a doctor. The central part of the Wisconsin River slope is the most isolated district, and it is there in the hills that the roads are worst. A distance of 10 miles may be a serious barrier here when travel is difficult because of mud or snow. Only 2 out of the 135 confinements in the selected country districts occurred where there was no doctor within 10 miles, while half (49 per cent) these families had a doctor within 5 miles. But at 12 confinements the attending physician was summoned from 10 miles or more away.

The one village without a doctor in the southern county was included in the survey. This place is 4 miles from a railroad and, though there was a physician at the nearest railroad point and two others 6 miles away, the doctors had to use roads cut up by the hauling of ore from the mines—a state of affairs not conducive to a rapid response to a call.

**Attendant at birth.**

No midwife was practicing in any of the districts where the investigation was carried on nor, so far as could be learned, anywhere in the county. All the confinements in the villages were attended by physicians; and nearly all—130 out of 135—of those in the county. At the remaining five births there was no attendant except the father or grandmother or a neighbor. One of these cases was a

sudden triple birth, in the middle of the night, at which the astounded father was compelled to assist after a fruitless attempt to summon help over a disabled telephone. Fortunately he had had previous experience in such emergencies, and nothing went wrong. It was not the family's intention to do without a doctor, but three out of five times they had been unable to have one on hand at the birth. In another of these families the doctor had been summoned but failed to arrive in time to be of any service. The other three families deliberately dispensed with the doctor's services; in one instance, because of poverty; in one, because the grandmother did not approve of having a doctor at childbirth; and in the third, because the father had called a doctor on two previous occasions but the physician had not arrived on time; so he decided that "we were just as well off without."

Among the mothers who are counted as physicians' patients were 13 whose doctor did not arrive until after the birth had occurred, sometimes only a few minutes late but in two cases as much as an hour. Most of these doctors had to come 5 miles or more.

### **Hospital confinements.**

There is a general hospital of 30 beds at the county seat, a private hospital in the same city, and two small private hospitals in the other city. Certain districts are more accessible to hospitals outside the county; in no case would it be necessary to travel more than two or at most three hours by rail to reach a hospital somewhere. Of course for a good many families it is more difficult to get to the railroad than to make the train trip; yet patients do manage to reach a hospital when it seems imperative, though the delay in an emergency may be serious. The general hospital at the county seat reported caring for 18 obstetrical patients in 1916, 10 of whom came from outside the city. However, only three mothers from the townships studied went to hospitals for confinement during the period covered; all these went outside the county. These mothers had no especial reason to anticipate complications at confinement—and none arose except an instrumental delivery in one case—but chose the hospital as the most convenient method of providing the necessary care.

### **Obstetrical service.**

The use of obstetrical forceps proved to be even more common here than in the northern county. Whereas less than 5 per cent of the deliveries in the county studied in Kansas were effected with instruments and 10 per cent in the other Wisconsin county, the proportion here was 14 per cent, or 25 cases. Eleven of these instrumental deliveries were first births. One resulted in a stillbirth and two in deaths within two days. The use of forceps was largely concentrated in the practice of one physician, who performed 15 instru-



mental deliveries among 35 confinements attended within the survey period; if his cases are deducted, only 7 per cent of the remaining deliveries were instrumental. The physician who had the largest obstetrical practice in the selected districts of that county delivered only 1 out of 46 children with forceps.

It is, of course, difficult, as has been said, for a country doctor with a large area to cover to visit his patients as regularly as is possible in city practice. Furthermore, the charge which a physician must make for additional visits miles away from his headquarters seems to many country families an expense which they are unwilling to incur unless the necessity is forced upon them. Nevertheless a mother is exposed to unjustifiable risks when, as happened to nearly one-third of the country mothers in the survey, her doctor never sees her after the day the baby is born. Only about one-fourth of the country mothers attended by physicians had more than one visit from the doctor subsequent to the delivery. In the villages the doctors revisited the majority of their obstetrical patients at least twice, but two mothers in villages where there was a resident physician were never seen by the doctor after the delivery of the baby. It should be noted that the mothers in this county received considerably more postnatal care than those in the north.

### **Nursing care.**

In none of the districts studied was there a resident trained nurse; during part of the time none could be secured anywhere in the county. Consequently, aside from the expense of her salary, having a trained nurse for confinement or any other sickness involved both the trouble and the expense of bringing her from outside the county; moreover, many country families, even when they can afford a trained nurse, do not appreciate the importance of adequate nursing care. Only two country mothers, and none in the villages, employed a trained nurse at confinement; another secured a trained nurse two weeks afterwards after blood poisoning had developed; another had her sister, who was a trained nurse, to help the practical nurse in charge of the case.

In each of the country districts and in two of the villages studied there were practical nurses, women who had had considerable experience in obstetrical nursing—they were sometimes called baby nurses. These were the main reliance of the families who made a point of getting the best available care; many of them were held in high esteem, and in a number of cases the family sent away to a neighboring village or city to secure such a nurse who stood in good repute. However, the history of one young mother showed the danger of untrained and possibly ignorant nurses. In her inexperience she intrusted her first baby to a so-called practical nurse who had

taken a correspondence course and "thought she would start out nursing." She fed the baby cows' milk and sweetened water the first three days. Then after nursing one day, he was sick and would not take the breast. The nurse tried various kinds of food, consulting the doctor only by telephone; she also "kept the baby asleep with dope nearly all the time." Finally, on the tenth day, he died in convulsions.

More than one-fourth (49) of the mothers visited were nursed during the puerperium by these practical nurses, but in only a few cases (10) did they do the housework. The remaining three-fourths of the mothers, with few exceptions, had to depend upon neighbors or relatives for nursing care.

### Prenatal care.

The superiority of postnatal supervision in the southern county is accompanied by a much greater amount of prenatal supervision than was found in the northern county. Twice as large a proportion of mothers attended at birth by physicians had some prenatal care in the southern county (38 per cent) as in the northern (19 per cent). The difference between the counties is not great for village mothers but is very marked in the open country, a fact that is undoubtedly related to the greater isolation of the country districts studied in the northern county. In neither county can the situation be regarded as satisfactory; but any community where, as in the southern county, more than one-third of the mothers consult their physicians during pregnancy, has evidently begun to realize that prenatal care is worth while, both for the alleviation of present discomfort and for the prevention of later complications. Nevertheless, much ignorance on this point survives. For instance, one mother, living in comfortable circumstances on a large farm, stated that she vomited throughout pregnancy and was much troubled with headaches, swollen feet, and swollen eyes (symptoms suggestive of toxemia), but did not see the doctor at all—"just worried along." Her baby was stillborn at eight months.

The standards used in the study for classifying the medical prenatal care reported by the mothers are described on page 38.

According to these standards, none of the mothers in the southern county had adequate care; 13 had fair care, of whom only one was a primipara (carrying her first child); 9 other primiparæ had care which would have been fair except for the failure of the physician to measure the pelvis. Merely sending for medicine or advice, without a personal interview, was counted as no care. Of the 65 patients who had some care, 11 never saw the doctor, but merely sent the urine for examination; 19 others received no physical examination; 21 had no analysis of the urine made; 23 saw the physician only once.

**MATERNAL MORTALITY.**

In the selected districts in the southern county only one mother died at childbirth in the two years of the survey. The cause stated on her death certificate was pernicious anemia, with parturition and nephritis contributory. The account given by her family agrees with this diagnosis; the mother had suffered from pernicious anemia for three years, and during her last pregnancy she was in very poor health, the doctor under whose care she was having found albumin in her urine. The child was born prematurely and lived only a few hours; the mother died five days later.

The county records show during the survey period only one other death from causes connected with the puerperal state. This makes 2 maternal deaths out of 887 registered births (live and still born).<sup>1</sup>

**MOTHER'S WORK.****Rest before and after confinement.**

More than one-third of the mothers visited (38 per cent) remained in bed for the customary period of 10 days; one-fourth, or less than half as large a proportion as in the other county, stayed in bed less than this time. Only 9 (1 in 19) were in bed less than a week; and, on the other hand, more than one-third stayed in bed longer than 10 days.

A considerably larger proportion of mothers in the country than in the villages secured less than 10 days' rest after confinement. In this county, as well as in the other, there was a notable difference between the mothers of native parentage and those of foreign birth or parentage in this respect; 17 per cent of the former and 34 per cent of the latter stayed in bed less than 10 days.

With these mothers, getting up from bed too soon commonly meant "pitching into" the housework immediately. In nine cases the mother was out of bed in less than a week, and five of these mothers were doing their cooking or cleaning within that first week, while four even did the washing before a week was up. As a rule, however, the mothers in the southern county did no cooking nor cleaning during the first two weeks after childbirth; and, while many undertook the laundry work at two or three weeks, half of them obtained a respite of at least a month from this heavy work.

As often occurs, the large majority of the mothers kept up their lighter housework until the time of confinement. Twenty did no housework for the last two weeks or more; in most instances these were mothers who had a hired girl during that time. It was recog-

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<sup>1</sup> See note 1, p. 59.

nized by many of the women that washing and ironing is too heavy work for a pregnant woman toward the end of her pregnancy; consequently one-third of the mothers did not do their washing in the last two weeks. But even this part of the housework was discontinued throughout the last three months by only a small proportion.

In addition to the few mothers who kept a hired girl regularly, in 87 instances the mother had hired household help for the lying-in period. This is the same proportion—one-half—that had "help" in the Kansas rural survey. Apparently village mothers found it no easier to get help at such times than did those living in the open country.

#### **Usual housework.**

Even on the prosperous farms of the southern county, practically all the housewives were obliged to do without hired help; even those who could afford to pay fair wages frequently could not secure a hired girl; many families who could afford to pay good wages for temporary help in time of sickness often, of course, could not meet such an expense regularly. Only three country mothers among those visited kept a hired girl for the greater part of the time; six village mothers had regular hired help, though a village housewife usually needs help less than does one in the country.

There were not nearly so many large families here as in the north; only one-third (instead of half) of the mothers visited had households of more than five persons in addition to the baby. The most usual family consisted of the parents and two or three small children; very large families, such as some of those in the north, consisting of 12 or more persons, were practically unknown.

In this county, there was little of the house crowding which was found to be common in the newer communities, not only in northern Wisconsin but also in western Kansas. Only 1 in 15 of the country families in southern Wisconsin was living with more than two persons to a room; on the other hand, more than three-fifths had more than one room per person (not counting the baby). This is one advantage of the commodious farmhouses seen throughout the southern part of the State. Half the village homes where a baby had been born also had at least one room per person.

#### **Water supply and other household conveniences.**

Well water is almost universally used for drinking. In this county, the well water is so hard that most families have a supply of rain water also for general household use; and available soft water makes an appreciable difference in the housework. Since the cistern or tank is naturally built near or under the house, it is comparatively easy to connect a hand pump in the kitchen with the

cistern and thus give an inside water supply. Of 123 country families in this county, 25 reported water in the house; 21 of these had only rain water and had to bring their well water from outside. Of course, this arrangement is a great improvement over having to carry all the household cleaning and wash water from outside, for the purposes for which well water is required—drinking and cooking—take a much smaller quantity than do the cleaning and washing.

Even when the cistern pump or the rain-water barrel is outside, it is apt to be much nearer the house than is the well, for the barn has often a powerful attraction for the well. Partly as a result of that fact, the majority (52 per cent) of the families who had to bring in the household water had to carry it less than 25 feet and few (about 1 in 11) had to carry it as far as 100 feet.

Only two homes had running water piped into the house; one of these had a bathroom and water-closet. It is not uncommon in these districts to find the barn well, but not the house well, equipped with a windmill or engine to do the pumping; 16 families had an engine connected with the barn pump; and 14, one connected with the house pump. On the other hand, it was common for mothers in this county to tell the agents that they never had to carry the water, the men always carried it in for them; others reported that the men carried the water through the winter or carried the wash water. As in the other county, the water usually had to be carried up steps to the kitchen.

Both Wisconsin counties compare favorably with the one in Kansas as to nearness of the water supply to the house, and the southern county—but not the northern—as to the proportion of homes having inside water.

In this county, also, none of the villages included in the survey had a public water supply. About one-fourth of the village families had water inside the houses, but only one of these had running water with bathroom and water-closet.

Thirty-one country and 12 village families in the southern county had a sink for the disposal of waste water; this is just a few more than had inside water. Half the mothers in both country and villages had a washing machine; however, only one in the villages had a power washer, while 15 in the country were so provided. One ran her churn, and another the separator, by engine power.

### **Boarding hired men.**

The large farms of the southern county naturally needed hired men more often than the smaller ones in the northern county. Consequently, in the southern county 54 mothers (out of 98 whose husbands were farmers or farm managers) reported that they had had to board "hands"—usually only one—during the period covered by the survey.

**Work for the dairy.**

In the southern county it was almost the rule that the dairy farms sold their milk to the cheese factories; on many farms the whole supply was hauled off immediately after the morning milking, leaving almost no milk even for the family's use. This relieves the housewife of the tasks connected with butter making or the sale of cream, but usually burdens her with many heavy milk cans to clean. In one southern township the cheese-factory manager said that the men were beginning to wash the cans, and he "couldn't see but that they did it about as well as the women"; but it is usually considered a woman's job. Only one-fifth of the mothers living on the farms of the townships included in the survey reported that they did churning; many of these made butter for their own families only. A good many others made butter but had some one else run the churn.

**Milking and other chores.**

As a rule the women of the southern county do little work outside the house, but half those on farms milked.

The care of the garden and of the chickens was the commonest of the outdoor chores done by the mothers here as elsewhere. About two-fifths of the mothers, both in the country and villages, worked in the garden. The care of chickens was a common duty, but in this county also the flocks were seldom large.

**Field work.**

Practically none of the mothers in the southern county did any work in the fields; field work for women goes absolutely against the local standards. One mother said indignantly, when asked about her work: "Mothers who work outside just don't care for their babies right." Three of the five who reported any field work were German; two of these helped with the haying, one husked corn two or three hours at a time, one picked corn and potatoes. One of the others picked apples and potatoes; one drove the plow and cultivator. The German mother who said she pitched hay two months before confinement was the only one who did any really heavy work; none of the five worked in the fields within a month of confinement.

**INFANT WELFARE.****Infant mortality.<sup>1</sup>**

Among the 90 live-born babies for whom records were secured in the southern county who were born at least a year before the survey began, 7 died before they were a year old; this is equivalent to an infant mortality rate of 78 per 1,000, or 1 death to 13 live births. Of the 83 babies born during the year just preceding the survey, 9 had died before the agent's visit, or 1 in 10 (108 per 1,000). It is evident

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<sup>1</sup> For definition of the term, see p. 50.

that this figure, though considerably higher than that for the preceding year, is probably less than the true infant mortality rate for this year; for some deaths in this group may have occurred after the agent's visit but prior to the first birthday, since most of these babies at the time of the agent's visit were not yet one year old. In other words, at least 16 out of 178 babies in this county—approximately 1 in 11—died before they reached their first birthday. The probability is that the true proportion was somewhat higher than this.

In this county, according to the official figures, the infant mortality rate was 115 per 1,000 in 1914; in 1915 the rate fell to 88.<sup>1</sup> The combined rate for the two years was 102, or just a little over 1 in 10. It appears, therefore, after allowing for the differences between the two methods of computing the rates, that the agreement is reasonably close.

One death in 10 is the average rate for the United States birth-registration area, which in 1915 was 100 per 1,000. But it was slightly higher than the rate of 94 in the rural part of the birth-registration area, and is certainly higher than should exist in a prosperous rural community. The average for all the rural counties in Wisconsin was 76 per 1,000 in 1914 and 73 in 1915;<sup>2</sup> and several counties are credited with rates lower than 50 per 1,000.

In the southern county, and in the two counties together, the proportion of deaths was less among the babies of the country districts than among the village babies. Of the 260 country babies in the two counties, 14 died—an infant mortality rate of 54 per 1,000. This is still somewhat higher than the corresponding rate of 40 per 1,000 which was found among the babies of the open country in Kansas.<sup>3</sup>

Premature birth was responsible for half the 16 deaths in the southern county, in contrast with one-fifth of the deaths under 1 year of age in the registration area.<sup>4</sup> An excessive proportion—10 out of 16 deaths—occurred before the baby was 2 weeks old; 6 of these were deaths within the first few hours. Evidently, therefore, the effort to reduce infant mortality, in this county as in the other, must be directed primarily toward better maternity and prenatal care.

Excluding children born within the year preceding the investigation, the mothers interviewed in the southern county had borne during their whole child-bearing history 415 live-born children and had lost 34 of them before they were a year old—an infant mortality rate of 82 per 1,000. For both counties there had been a much higher pro-

<sup>1</sup> Twenty-sixth Report of the State Board of Health of Wisconsin, pp. 315 and 317, Madison, 1917.

<sup>2</sup> Twenty-sixth Report of the State Board of Health of Wisconsin, p. 310. Madison, Wis., 1917.

<sup>3</sup> Maternity and Infant Care in a Rural County in Kansas, p. 40. U. S. Children's Bureau Publication No. 26.

<sup>4</sup> Mortality Statistics, 1915, p. 645. U. S. Bureau of the Census. Washington, 1917.

portion of deaths than had occurred in the country families of the Kansas survey (55 per 1,000) or in the white families of the lowland county in North Carolina (48 per 1,000); the Wisconsin rates are about the same, however, as that in the mountain county in North Carolina (80 per 1,000).

In the southern county, the mothers of foreign birth or parentage had lost a somewhat larger proportion of their babies than the mothers of native parentage. (See Table II, p. 91.)

### **Stillbirths and miscarriages.**

Within the two years of the survey the mothers interviewed in the southern county had 5 stillbirths, 28 per 1,000 births. This is somewhat lower than the stillbirth rate (34 per 1,000) for the seven cities where this problem had been studied by the Children's Bureau. That it might be still lower is indicated by the fact that the stillbirth rate in the Kansas study was only 11 per 1,000 births.

The mothers of this county had had a smaller proportion of stillbirths (2 per cent) among all their issues than among the births of the past two years. Both in the survey period and during their whole history the mothers of native parentage had borne more stillborn children than the mothers of the foreign group; but they had lost a smaller proportion through miscarriage. (See Tables III and IV, pp. 91, 92.)

### **Feeding customs.**

As in the other county, only a few babies were artificially fed from birth. Over four-fifths of the 3-months-old babies were exclusively breast fed—a proportion even larger than in the northern county. In the sixth month, the proportion was still over half; in the seventh, it fell to only one-third. A large percentage of the babies not exclusively breast fed received some breast milk throughout the first nine months. Only one-sixth of the 6-months-old babies had been weaned; the proportion weaned had increased by the ninth month to only one-fifth (20 per cent). Breast feeding was continued in the second year for a large number, three-fifths of the 12-months-old babies received some breast milk, and at 15 months one-third were still nursing. Practically all were weaned, however, before they were 18 months old.

When the customs of the different rural counties where these surveys have been carried on are compared (see Table VI, p. 92), the mothers of the two Wisconsin counties are found to have given their babies breast milk without any other food to a less extent than those in the western Kansas county, but to a much greater extent throughout the first eight months than the mothers of the mountain county in North Carolina. And the proportion artificially fed was throughout



the first nine months higher in these two Wisconsin counties than in any of the other rural districts studied.

In all the rural counties the proportion weaned was lower throughout the first nine months than in any of the four cities—two middle western and two eastern—included in Table VI (see p. 92). Up to the fourth or fifth months a larger proportion of the Wisconsin babies were exclusively breast fed than in any of these cities; but in the later months the percentages of exclusive breast feeding are higher for the cities.

### **Birth registration.**

In the southern county, 17 live-born children, born in the area studied, were discovered by the canvass to have been omitted from the register of births. This was 10 per cent of the total live births included in the survey; 15 of these 17 births were attended by physicians.

So far as indicated, therefore, by the selected districts, no great improvement would be necessary to bring birth registration in the southern county up to the minimum census standard of 90 per cent completeness. In both counties all the unregistered births discovered by the canvass were reported to the State board of health and investigated by it.

In the southern county it was found that three infant deaths (out of 16) had not been recorded. Failure to register deaths indicates an even more serious violation of the law than does the deficiency of birth registration, because the need for death registration is more widely recognized, and in general the registration of deaths is much more widely enacted and observed than is birth registration. Through the requirement of a burial permit before interment, the registration of deaths can also be enforced more easily than that of births. Furthermore, if many deaths are omitted the apparent infant mortality rate is an understatement of the true mortality rate, and a community when it becomes sufficiently interested to look up the figures may fail to appreciate the actual conditions.

The southern county is of interest mainly as an example of one of the most prosperous agricultural sections of the United States—the prairie lands of the northern Middle West. The conditions revealed by this survey are undoubtedly typical of the lives of a larger proportion of the farm women of the country than are those, in many respects more striking, found in isolated districts in the South and West. Moreover, there need be no financial difficulty in the community's providing adequately for the health of its mothers and children, even though some of its families would be unable to do this individually.



### **PART III. ACTIVITIES IN WISCONSIN ON BEHALF OF THE HEALTH OF MOTHERS AND BABIES.**

This section of the report deals with work undertaken up to the close of the year 1917, for the protection of the health of childbearing mothers and of young babies in the rural districts of Wisconsin. Some of these activities are State wide in their scope, and it is believed that the account of these is complete. Others are local; and of these the report covers in full only the two counties in which the survey of maternity care was made.

No account of conditions in Wisconsin would be complete without mention of the active spirit of cooperation among the various public-health agencies. Often several different organizations are found working together on a common enterprise, with the result that the credit for accomplishment belongs not to any one but to the whole group.

#### **WORK OF THE STATE BOARD OF HEALTH.**

##### **Birth registration.**

Wisconsin is one of the States recognized by the census as having an adequate birth-registration law. Each township or incorporated village is a separate registration district for vital statistics, the township or village clerk acting as local registrar. The clerk is required by law to send the original birth and death certificates to the State office, and a copy of each to the county registrar of deeds; village clerks must also keep a local record, but in the township such a local register is not provided for. The county files of copies are also notoriously incomplete; hence it is necessary in most instances to send to the State office to find out whether a birth has been registered.

Within recent years the State board of health has been progressively increasing its efforts toward the strict enforcement of the birth-registration law. In 1917, it adopted the policy of prosecuting all failures to register which came to its attention, unless the offender presented an adequate excuse and gave his written promise to observe the law in the future. Knowledge of unregistered births is secured (1) from reports by local registrars, (2) from inquiries by parents, and (3) from checking hospital records of births. During 1917 the board also requested each county medical society to devote a meeting to birth registration, and where a society complied with this request the deputy State health officers were frequently sent to talk on the subject.

Since 1914 the board has sent to parents a card certifying to the receipt of the birth certificate for their child. This practice is undoubtedly a stimulus to the parents' interest in birth registration. During the course of the survey many mothers spoke of having these "papers" or wondered why they had not received them. The State board is said to receive about 200 inquiries a month from parents who failed to receive their cards.

In the latter part of 1917 the United States Bureau of the Census made a State-wide birth-registration test in Wisconsin, covering the births of two months. These tests were based not upon a canvass but upon live births reported to the census agents by postmasters, mail carriers, etc., throughout the State. In the outcome, 95 per cent of the births thus reported in each of the two counties studied in the Children's Bureau survey were found to have been registered.

#### **Educational literature.**

The State board of health publishes a bulletin on the care of babies, which is sent out to any citizen of the State making a request for it. The revised edition of this pamphlet, printed in 1917, contains a section on prenatal care—the mother's personal hygiene and the complications which must be guarded against. On the birth-registration certificate card is printed a notice that anyone may secure this bulletin free of charge, and many requests result from this notice. The pamphlet on the feeding of children published by the agricultural extension division of the State university (see p. 78) is also distributed by the State board of health.

#### **Prevention of blindness.**

The law<sup>1</sup> in Wisconsin requires that every obstetrical attendant must use a 1 per cent silver nitrate solution in the eyes of each newborn infant as a preventive measure against ophthalmia neonatorum or "babies' sore eyes," and provides for the gratuitous distribution of the proper solution. In accordance with these provisions, the State board of health sends out once a year to each physician, registered midwife, and health officer in the State a case containing six dozen ampules of silver nitrate solution, each designed for the treatment of one case. Additional supplies are sent as requested; about 2,000 requests are received in the course of a year.

It is the opinion of the executive officers that this prophylactic is very generally used. The law also requires that cases of inflammation of infants' eyes must be reported to the State board of health. Only about 10 such cases a year are reported.

#### **Campaign against venereal disease.**

Because of the direct causative connection of venereal disease with infant mortality, the efforts of the State board of health for the

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<sup>1</sup> Laws of 1915, sec. 1400a-1.

prevention and cure of these diseases should be mentioned. Diagnostic service is provided by the various laboratories under the control of the board and by the State psychiatric institute; diagnoses are made free of charge for any licensed physician. The board of health publishes a pamphlet on the dangers of venereal diseases and the necessity of treatment by a physician; it also posts placards in suitable places giving the same information.

#### LOCAL PUBLIC-HEALTH ADMINISTRATION.

In Wisconsin the townships and villages are important organs of local government. Among other functions, they are the units for local public-health administration. There are township, village, and city health officials, but none representing the county; next above the local unit stands the deputy State health officer, who is a full-time employee of the State board of health and has under his jurisdiction one of the five sanitary districts into which the State is divided. Each township or (incorporated) village board either acts itself as the local board of health or appoints such a board; this board then appoints the health officer, who may or may not be a physician. In townships and villages the clerk acts as registrar of vital statistics.

At the time of the survey the State registrar stated that somewhat less than half the local health officers in the State were physicians. In the 10 townships where the survey was made, 5 of the health officers were physicians and 5 were farmers; of the 5 incorporated villages, 4 had medical health officers—the fifth had apparently neglected to provide itself with any.

The local board also fixes the compensation of the health officer. Judging from the survey, \$10 a year is the usual rural salary; in some cases the annual salary is supplemented, and in others replaced, by payments "by the visit," but the largest sum paid to any of these officers for the year preceding the survey was \$18.25. Several had no compensation during that period because they "had put in no time"; one had been paid only \$5 in five years, for posting quarantine twice.

As a rule, almost the sole duty of these local rural officers is conceived to be the posting and removal of quarantine notices and fumigation for the severe contagious diseases—scarlet fever, diphtheria, and smallpox. Only a few of the rural health officers interviewed made any serious attempt to placard measles or whooping cough or to disinfect after tuberculosis. If the officer is not a physician, he ordinarily depends upon instructions from the attending physician as to when and how long to quarantine, and in such cases the physician is often paid by the township to do the fumigating. It is only in very rare instances that a sanitary complaint is brought to

the health officer's attention, while it is practically never conceived to be his duty to seek out insanitary conditions.

The general laxness found in the rural districts in enforcing or observing isolation of measles and whooping cough should be combated in the interest of the babies as well as that of the older children. A small, but not a negligible, proportion of infant deaths is always found to be due to these diseases. Whooping cough is especially apt to be fatal to young babies. In Wisconsin in 1915, 124 babies under a year old died of whooping cough, almost eight times as many as died from diphtheria.<sup>1</sup> In the families visited in the course of the Wisconsin survey, eight babies had died of whooping cough before they were a year old, in contrast with only two deaths from diphtheria. One township clerk, in discussing measures needed for the protection of children's health, complained especially of the habit of some parents of carelessly exposing other people's children to the diseases which their children had, and urged that persons doing this be made liable for the results of their indifference. In that particular neighborhood such carelessness had extended even to scarlet fever.

#### WORK OF THE STATE BOARD OF MEDICAL EXAMINERS.

The law charges the State board of medical examiners with the duty of enforcing the medical practice act, including the examination and registration of midwives. Obviously a law drafted for the purpose of protecting the mothers of the State from untrained midwives does no good if not enforced. And that it is not enforced in the rural districts the survey furnishes ample proof.

The secretary of the board writes that a couple of years ago the midwives on a list made up from the birth-registration records " \* \* \* were notified that they must become registered by examination or cease to practice. Beyond this notification the State board of medical examiners have been able to do nothing. We found after this investigation that the greatest majority of midwives were women along in the fifties and sixties, of foreign birth, who were unable to comply with the law, due to the fact that they must pass a written examination in the English language. The law provides for gratuitous service and service in the case of emergency, and their attention was called to the fact that such service was the only kind which they could render under the law. I think most of them understand the situation, but of course we have no way of knowing how they are complying with these requirements."

The attorney for the board stated that in the course of his connection with the board, extending back to its organization in 1897,

<sup>1</sup> Mortality Statistics, 1915, p. 549. U. S. Bureau of the Census. Washington, 1917.

he remembered only one or two prosecutions of midwives for practicing without registration. (Prosecutions for malpractice have been more frequent.) He stated that the law permits anyone to give either gratuitous or emergency service, and that in case a physician or registered midwife could not be secured in time for a delivery it might be lawful for an unregistered midwife to charge for her services, the law being ambiguous on that point.

It is obvious from the foregoing, as well as from the findings of the survey, that there is absolutely no supervision of the midwives who are in practice. The medical practice act makes no provision for any such supervision.

### WORK OF THE STATE UNIVERSITY.

The State university reaches the rural mothers and fathers of the State in various ways through its extension service. There are two separate extension departments, one known as the university extension division, and the other as the extension service of the college of agriculture or more briefly as the agricultural extension division.

#### University extension division.

The university extension division gives several correspondence courses in health subjects. Three of these bear directly on the health of mothers and babies and were planned and are conducted by a woman physician. They are entitled "The Prospective Mother," dealing with the care of the mother during pregnancy, confinement, and the puerperium, and also with the care of the newborn baby; "The Child in Health," dealing especially with infant feeding and general hygiene; and "The Child in Disease," dealing with the prevention of the ordinary sicknesses of childhood as well as with home nursing. While the enrollment in these courses has not been large, the students have been widely scattered over the Northwestern States.

Another phase of the educational work of the extension division is the series of weekly health articles which it furnishes to the press of the State. These articles are so widely published that it is estimated they reach at least 300,000 readers a week. In this series, there have been a considerable number of articles dealing with various phases of infant hygiene, and also a few dealing with maternity care.

The community institutes conducted by the university extension division (sometimes in cooperation with the agricultural extension service), in nearly all cases have made a feature of popular instruction in hygiene and the prevention of disease; frequently they have included talks by physicians on the care of mothers and babies. The programs are planned and advertised with the object of attracting

country people as well as townfolk, and the majority of the institutes have been held in places of less than 2,500 population—a third in villages smaller than 1,000 population. Consequently, these institutes are to be counted among the forces working for the improvement of rural health conditions.

#### **Agricultural extension division.**

During the three years 1915, 1916, and 1917, the agricultural extension service has made health talks one of the main features of its agricultural schools, which are held for a few days at a time in small towns and villages. These health talks and conferences have been given by the woman physician who wrote the correspondence courses. At each place the series usually includes a general meeting on community health problems and two or three informal meetings or conferences especially for women, at one of which maternity care is the main topic, and at the others child hygiene and infectious diseases. This service has reached each year the women of 15 to 20 rural communities. The interest of the women in these topics, especially in maternity problems, has been marked; and the meetings are often followed by letters of inquiry from perplexed mothers. The care of the childbearing mother as a community problem is sometimes discussed at the general evening meetings also.

As has been mentioned, the agricultural extension division has also published a bulletin on the feeding of children; this gives detailed instructions for feeding through the third year.

#### **WORK OF THE WISCONSIN ANTITUBERCULOSIS ASSOCIATION.**

The Wisconsin Antituberculosis Association is, in the scope of its work, really a general public-health organization, because its managers believe that all health problems are intimately linked together; and that the influences which build up the individual's strength are a main reliance in combating all forms of disease alike—that, for example, a sturdy, healthy baby is not only more apt than a weakling to survive the perils of infancy but also less apt to develop tuberculosis in after life. Consequently this association has been one of the instigators and promoters of most forms of infant-welfare work undertaken in the State. It has joined in the campaign for the education of mothers in the care of themselves and their babies and has added its quota to the instructive literature on this subject in the form of circulars and printed charts giving directions for infant feeding.

The greatest contribution of the association, however, has been the promoting and supervising of public-health nursing. The status of this work in rural communities is discussed on pages 79 to 81. The Wisconsin Antituberculosis Association employs four field nurses,



two supervising nurses who spend part of their time in visiting the nurses throughout the State, and two demonstrating nurses who are available for short-time demonstrations of community nursing. The association also holds periodical conferences of the public-health nurses of the State, keeps in touch with them through correspondence, and furnishes them with educational literature and with blank forms needed in their work. It acts as an employment agency for communities wishing nurses, and for the past two years it has maintained training courses in order to help fill the dearth of adequately trained public-health workers.

Another valuable contribution is the research work by which the association has directed attention to health conditions in rural communities. Its tuberculosis survey of Dunn County in 1911 was a pioneer rural study, a forerunner of subsequent studies in many States dealing with health conditions among country school children and with infant mortality in rural districts. The research work of the association was influential in securing the passage of the State law authorizing the employment of county public-health nurses by county boards of supervisors, and of other enactments for the promotion of the public health.

#### RURAL PUBLIC-HEALTH NURSING.

At the close of 1917, 140 public-health nurses were at work in Wisconsin. A large proportion of these were in the city of Milwaukee, the majority were in smaller cities, and only 5 were doing strictly rural work. These 5 were all county nurses; 2 of them were employed by county boards of supervisors, 2 by the trustees of the Milwaukee County institutions, and 1 was supported by the sale of Red Cross seals. The last 3 concentrate their efforts chiefly upon tuberculosis work.

The legislature passed an act in 1913 authorizing county boards to employ nurses.<sup>1</sup> None did so, however, for two or three years afterwards. In 1916 a nurse was employed by Chippewa County; Wau-paca County was added to the list in January, 1917; Lincoln in August; and Eau Claire voted the appropriation in the autumn. All these counties are in the north-central part of the State, in the same general section as the northern county of the survey. At the close of 1917 the nurses' positions were vacant in two of these four counties because no one could be found to fill the places;<sup>2</sup> consequently the nurses then in the service of county boards numbered only two, as has been stated. In both these counties the nursing work which was started as an experiment for a year only was made permanent at the next annual meeting.

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<sup>1</sup> St. 1917, sec. 679-10m (constituting Laws 1913, ch. 93).

<sup>2</sup> These positions were filled early in 1918.

In each of these two counties—Lincoln and Waupaca—the nurse made school visiting and the inspection of school children the main feature of her work for the first year; one of the nurses expected to be able to make the round of her schools in about a year, the other in a year and a half. Both have been called upon to aid in checking school epidemics of contagious diseases. Both nurses established women's rest tents at their county fairs, where a simple health exhibit was displayed, literature was distributed, and the nurse was on hand to talk with mothers who wanted information or advice.

In Waupaca County the nurse helped with the Baby Week celebration in the largest village in the county. She also tries to hold a mothers' meeting whenever she visits a school; at these meetings she explains her work, and the mothers ask questions. Interest centers largely upon the inspection of the school children and the meaning and cure of the various defects found.

In Lincoln County the nurse took up her work in the summer with the belief that tuberculosis should be the first point of attack, but upon consulting the county records she found that the deaths from tuberculosis (22) were far overshadowed by the stillbirths (33) and deaths under 1 week of age (14) which, as she said, "are practically the same thing as stillbirths." In other words, she found that her biggest problem in life-saving would be that of prenatal and natal care. She has not been able to start any organized work along that line because of the pressure of school work beginning with the opening of the school term. But she says that she has spoken about prenatal and maternity care whenever she has had a chance to address an audience of women, and that she has found them much interested in the subject. Some women's organizations, at her suggestion, have undertaken to provide maternity outfits for mothers in need. The nurse has made an attempt also to get in touch with prospective mothers and has found it possible to establish such relations with a few pregnant women that she could give them advice on prenatal care. She has met with no midwives in her territory, though it is largely German.

In spite of the fact that neither of these two counties is excessively large—only about half the size of the northern county of the survey—each of the nurses felt strongly that her territory was much too large for one nurse. One had thought of dividing her county into four or five districts; then she believed that the work could be adequately handled.

The 1917 legislature made it legally possible to employ nurses in smaller units than counties.<sup>1</sup> By the terms of the act "the local board of health, health commissioner or health officer of any town [-ship], village or city may employ public health nurses"; "towns,

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<sup>1</sup> St. 1917, sec. 1411g, as amended by Laws of 1917, ch. 123.

villages, and cities may \* \* \* employ public health nurses jointly," on the same principle of sharing the cost according to population as joint-district high schools are now supported in many places. So far no action has been taken under these provisions, but such an arrangement seems to be the logical next step in the development of rural nursing.

In the southern county of the survey, there has been no public-health nursing in the rural districts. The county seat employed a school nurse on part time for the year following the survey (see p. 83).

In the northern county, the county seat has had a full-time school nurse for several years. In the city also is a small children's infirmary, in charge of a trained nurse who devotes part of her time to visiting nursing. She occasionally makes calls in the country, mainly for the purpose of getting sick children into the hospital. The county is so large, however, and so many districts are almost inaccessible that only exceptional cases come to her notice. This same infirmary nurse keeps a register of nurses, both trained and practical; she fills calls for trained nurses outside the city as well as in, and sometimes even outside the county, but says that she has never sent a practical nurse outside the city.

In the year following the survey one of the largest paper mills, located in one of the townships included in the survey, employed a visiting nurse primarily to care for the mill employees and their families. So far as her time allows, she also accepts other cases on call from the attending physician and examines the children in neighboring village and rural schools. It is of interest in connection with the subject of maternity care that for the first seven months of her service she reported having made 24 prenatal calls and 329 obstetrical nursing calls upon 33 patients.

#### LOCAL EDUCATIONAL CAMPAIGNS.

##### **Baby Week.**

Baby Week was widely celebrated in Wisconsin in both 1916 and 1917. The State-wide direction of the movement was primarily in the hands of the State federation of women's clubs; much assistance in providing speakers, literature, and exhibits and in suggesting programs was given by the Wisconsin Antituberculosis Association and especially by the university extension division. There is no way of telling to what extent the celebration reached the rural districts. However, the list of places published by the university extension division as observing Baby Week in 1916 contains a large proportion (over one-third) under 2,500 population, showing that the interest in Baby Week was by no means confined to the cities.

In 1916, a Baby Week celebration was held in each of the counties included in the survey; in the southern county this took place in the mining town (the larger of the two cities) and in the northern county in the county seat. In the latter, an elaborate program of lectures, demonstrations, and exhibits was presented; the main feature, however, was a Baby Health Contest, which lasted through four days. In this county, an effort was made to include the rural districts in the campaign. Extension meetings were held in seven villages; demonstrations were given by members of the State agricultural extension faculty, and speakers gathered for the city meetings brought to the smaller places the message of better care of mothers and babies. Twenty-five or thirty country babies were brought to the Baby Contest in the city, and these were included in the follow-up work during which a nurse employed by the central committee was sent out to visit the mothers of all babies registered in the contest.

In the following summer (1917) the committee which had charge of this "Better Baby Campaign" in the northern county employed a trained nurse—the demonstrator from the Wisconsin Antituberculosis Association—for three months' intensive work in the city. Infant-welfare stations were opened in four public schools, at each of which a weekly conference was held, with a doctor and the nurse in attendance; babies were examined by the doctor, talks on the care of babies were given by the doctor and the nurse, and literature was distributed. The nurse called once a week at the home of each of the 97 babies enrolled at the stations; she also supervised a few prenatal cases, making regular visits and examining the urine. No rural work was undertaken this year.

### **Children's health conference.**

In 1916, in connection with the Children's Bureau survey, a children's health conference was held in the county seat of the southern county. This was undertaken, cooperatively, by the Children's Bureau, which furnished the physician and an assistant for the examination of the children; by the university extension division, which provided the exhibit, demonstrators, and speakers; by the State board of health, which sent a speaker; by the Wisconsin Antituberculosis Association, which furnished speakers and an organizer; and by a local committee of women who arranged places of meeting, provided supplies, and advertised the conference.

The central feature of this campaign was the physical examination of children by the Children's Bureau physician. This differed from a baby contest in that children were not scored nor prizes given. Its object was to teach mothers how to observe their own children and how to promote their health by suitable care and feeding, as well as to point out to the mothers defects which needed to

be remedied either by better hygiene or by a physician's care. In spite of cold weather and heavy rains which practically cut off the attendance of country families, 77 children were brought to the conference for examination.

As a result of the interest in children's health aroused by the conference, the local committee undertook to persuade the school district meeting to employ a school nurse. They were successful in this attempt, and a part-time nurse was employed in 1916-17; but, in the following year, "the authorities did not feel disposed to retain the nurse."



## CONCLUSIONS.

The southern county in Wisconsin is an example, such as might be found anywhere throughout large sections of the Middle West, of a prosperous farming community on fertile soil, where the land is cleared, crops are abundant, and the necessary farm improvements—houses, barns, fences—as well as live stock have been provided. Therefore there should be no difficulty in financing any co-operative undertakings for the common good upon which the community may decide.

The northern county represents a different range of conditions. As a community engaged in converting "logged-out" land into farms and homes, it illustrates conditions common in the forest belt of Michigan, Wisconsin, and Minnesota. Its foreign settlements, also, are a feature common in those States and others as well, and it has certain characteristics common to most communities in the pioneer stage. As a whole it is still engaged in building up its farming capital—land values, buildings and dwellings, and live stock—out of meager beginnings. Many a farmer finds it beyond his means to provide adequate shelter and sometimes even adequate food for his family, while conveniences and comforts are for the present entirely beyond his contemplation. Even in those neighborhoods and families which have passed beyond that stage, the memory of pioneer hardships is still vivid and the habit of pioneer economy still strong. Consequently it is difficult, and probably seems more difficult than it really need be, to secure money for anything beyond the most primitive needs of the community. However, it should not be impossible to persuade the farmers in even the newest settlements that the protection of the health of their own wives and children is a matter of vital concern to them. Fortunately the influence of the county seat and of certain of the smaller centers could probably be counted upon to support a progressive public-health campaign.

Without question, the most urgent of the common needs in both counties, from the point of view of general utility as well as from that of providing for the safety of mothers and babies, is for good permanent roads which will remain usable throughout the year. None of the other needs can be adequately met until such roads cover the county so thoroughly that no home, even on the remote hill farms or forest clearings, shall be a mile and a half—or even half a mile—from a passable road.

The provision of a county public-health nurse would probably be the most useful "next step" which the county authorities could take in the interest of the mothers and babies on the farms and small industrial settlements. As we have seen, four counties in Wisconsin have already decided to provide such a nurse; there seems no good reason why the children of other counties in the State should not have the advantages provided for these children.

Such a nurse could be of service to country and village mothers in many ways, some of which can be foreseen from the experience of other communities and some of which would appear only as her work developed to fit the local needs. In many counties rural public-health nursing has begun with school nursing, including both the inspection of school sanitation and the examination of the pupils; but some counties might find it a good plan to begin with infant-welfare work. The nurse might establish a series of periodical mothers' meetings in different local community centers, usually in the villages but sometimes in a township hall or an accessible country school, where she could weigh babies, give simple demonstrations in infant care and home nursing, and talk with mothers who wish her advice. How to keep a baby well through the summer; what to do before the doctor comes, in an emergency such as croup or convulsions; how to nurse a sick child or a mother and newborn baby at home—these are all questions about which women are anxious to learn all they can. It is often a good plan to combine meetings of this kind with the establishment of a women's rest room in the village, where mothers coming to town for shopping and trading may find toilet facilities and a clean, quiet place in which to care for their children. A local committee should be organized to supervise the rest room and to help the nurse in her work. Such a rest room may in time be developed into a local health center, with exhibits and literature for distribution. Similar exhibits and mothers' conferences held in connection with a rest tent at the county fair have proved popular in other counties where they have been established by the nurse.

As these meetings became well established, the program might be widened to include such an examination of children by physicians as constitutes the main feature of a children's health conference and of many Baby Week celebrations. The experience of other communities, as well as the popularity of the examination held at the county seat in each of these counties in the year of the survey, shows that mothers are usually eager to take advantage of such an opportunity to secure expert advice about the health of their children when it is brought within their reach and fully explained to them.

The nurse's meetings with the mothers would usually in the beginning concern themselves with the health of babies and the younger



children but would naturally develop to include advice as to the mother's care of her own health, especially during pregnancy. The experience of the Lincoln County nurse shows that Wisconsin mothers are keenly interested in this subject also. A nurse who has had special training and experience in prenatal work can be of great help to the prospective mothers in the country, and to their physicians. She will so advise the mothers about daily details of their care of themselves that they will be able to avoid much discomfort and disability; she will urge them to see their physicians early for a thorough preliminary examination and later when necessary; she will urge them to send samples of urine regularly to be examined; or, if asked to do so, she may make these tests and report the results to the physicians.

In a territory so large and so difficult to get about in as are both these counties—especially the northern one—it would be impossible for any one county nurse to do any home nursing; in the northern county it would probably be impossible for her even to make the round of the rural schools more than once in two years. Therefore an effort might be made to arrange, possibly through private contributions or through the interest of an industrial plant in the health of its employees (as in the northern county), for a demonstration in some limited neighborhood of the advantages of a community nurse, who would be available to help the mothers in time of sickness, to nurse them at confinement, and to show them how to apply the principles of hygiene in their own homes. On the basis of such a demonstration, the county could in time be divided into nursing districts, each consisting probably of from two to five or six townships, with a trained nurse employed in each district. The last legislature made it legally possible to provide community nurses for such districts from public funds, on the same principle that joint-district high schools are now in many places supported by a village and two or more townships. At least three such districts would be needed in the southern county and at least six in the northern, in order to bring the district nurse into intimate contact with the people who need her help.

Each nursing district would normally center around some village which is a natural community center; each would have as a nucleus of interest the school inspection, the mothers' conference, and other lines of work previously established by the county nurse. The county nurse would, of course, take the lead in organizing the nursing service in the districts and should supervise the work in order to unify it and keep it up to the highest possible standard of usefulness.

The need which is felt by the largest number of country mothers in connection with their confinement care is the need for better nursing and household help. Therefore, they would undoubtedly

welcome the establishment of a service of supervised trained attendants—competent women who have had some training and experience in home care of the sick and who will do the housework as well as the nursing. In several communities it has already been proved that women can be found willing and anxious to do this work. The register of “practical nurses” now kept by the infirmary nurse at the county seat in the northern county might serve as a nucleus for a county-wide register. With a combination of county and district public-health nursing, it should prove feasible in these counties to conduct a county training course for attendants under the direction of the county nurse and to keep a register in each district from which mothers could obtain help in case of sickness. The attendants should always do their nursing under the supervision of the district nurse; this supervision by a trained nurse is essential to the success of the plan.

Even in the foreign districts of the northern county, where the midwife is now the main reliance for childbed nursing as well as for delivery, it should be practicable in time to make the supervised trained attendant popular, for the more competent midwives are in the main old women and none so trusted seem to be rising up to take their places. In view of this fact, it seems probable that even in the Polish settlements mothers will gradually come more and more to engage physicians for confinement and to need some one to take the midwife's place as nurse. A trained attendant would necessarily cost more than families of this nationality have been used to paying the midwife, but she would also give them more service, because she would remain in the home instead of making visits.

In both sections of the State there are hospitals to which mothers who need hospital care at confinement can be taken. Many isolated neighborhoods are at present almost out of reach of any of these hospitals so far as emergency service is concerned, but improvement of the roads would relieve this difficulty. A campaign of education in which the public-health nurses would naturally be the main agents is evidently needed to induce mothers (and physicians) to make use of the hospital facilities now available.

The State board of health has as yet no special division or officer charged with the duty of promoting the health of the children, the work which it does along this line being handled by the general administrative officers. It is the hope of the board that the next legislature may see fit to provide means for the establishment of such a bureau. A bureau of child hygiene would be of great service to mothers and children throughout the State and especially to those in rural districts who are out of reach of the various infant-welfare activities of the cities. It would serve to correlate many of the lines of work now carried on in the State, and could also undertake

new activities. All kinds of work for the prevention of infant mortality and of children's diseases would naturally fall within its scope. Like the Kansas Division of Child Hygiene, it might also find means to carry on an extensive campaign of education and advice as to the best standards of prenatal and maternity care. As the survey has indicated, this is one of the urgent needs in rural Wisconsin and therefore promises to be one of the most fruitful lines of activity opening before a child-hygiene bureau.



## APPENDIX.

**TABLE I.—Per cent of physicians' obstetrical cases receiving postnatal visits.**

Districts.	Number of confinements attended by physicians.	Per cent receiving specified number of postnatal visits.			
		None.	One.	More than one.	Not reported.
Northern county.....	281	46	30	24	.....
Country districts.....	237	49	30	21	.....
Villages:					
Resident physician.....	35	20	29	46	6
No resident physician.....	9	67	22	11	.....
Southern county.....	170	25	41	31	3
Country districts.....	130	31	42	24	3
Villages:					
Resident physician.....	22	9	36	55	.....
No resident physician.....	18	6	39	55	.....

**TABLE II.—Infant mortality rates for each county, by nationality of mother, based on all births reported by mothers included in the study.<sup>a</sup>**

County, and nationality of mother.	Live births.	Infant deaths.	Infant mortality rate.
Northern county.....	1,821	162	89
Nationality of mother: <sup>b</sup>			
American group.....	298	29	97
German group.....	689	49	71
Polish group.....	638	73	114
Miscellaneous and other foreign group.....	185	11	59
Not reported.....	11	.....	.....
Southern county.....	415	34	82
Nationality of mother:			
American.....	213	15	70
Foreign born or of foreign or mixed parentage.....	202	19	94

<sup>a</sup> Except births occurring in the last year of the survey period.

<sup>b</sup> See p. 23 for discussion of nationality.

<sup>c</sup> Includes one Indian mother.

**TABLE III.—Stillbirth rates for each county, by nationality of mother, based on births in two years.**

County, and nationality of mother.	All births.	Stillbirths.	
		Number.	Per cent of all births.
Northern county.....	494	19	3.8
Nationality of mother: <sup>a</sup>			
American group.....	99	2	2.0
German group.....	180	8	4.4
Polish group.....	157	5	3.2
Miscellaneous and other foreign group.....	53	4	7.5
Not reported.....	5	.....	.....
Southern county.....	178	5	2.8
Nationality of mother:			
American.....	98	4	4.1
Foreign born or of foreign or mixed parentage.....	80	1	1.3

<sup>a</sup> See p. 23 for discussion of nationality.

TABLE IV.—*Stillbirth and miscarriage rates for each county, by nationality of mother, based on all issues reported by mothers included in the study.*

County, and nationality of mother.	Total issues.	Total births.	Stillbirths.		Miscarriages.	
			Num-ber.	Per cent of total births.	Num-ber.	Per cent of total issues.
Northern county.....	2,214	2,087	48	2.3	127	5.7
Nationality of mother: *						
American group.....	370	350	3	0.9	20	5.4
German group.....	840	792	21	2.7	48	5.7
Polish group.....	740	710	11	1.5	30	4.1
Miscellaneous and other foreign group.....	250	221	13	5.9	29	11.6
Not reported.....	14	14				
Southern county.....	522	504	9	1.8	18	2.4
Nationality of mother:						
American.....	267	260	6	2.3	7	2.6
Foreign born or of foreign or mixed parentage.....	255	244	3	1.2	11	4.3

\* See p. 23 for discussion of nationality.

TABLE V.—*Per cent of infants breast fed and artificially fed, by mother's nationality, northern county.*

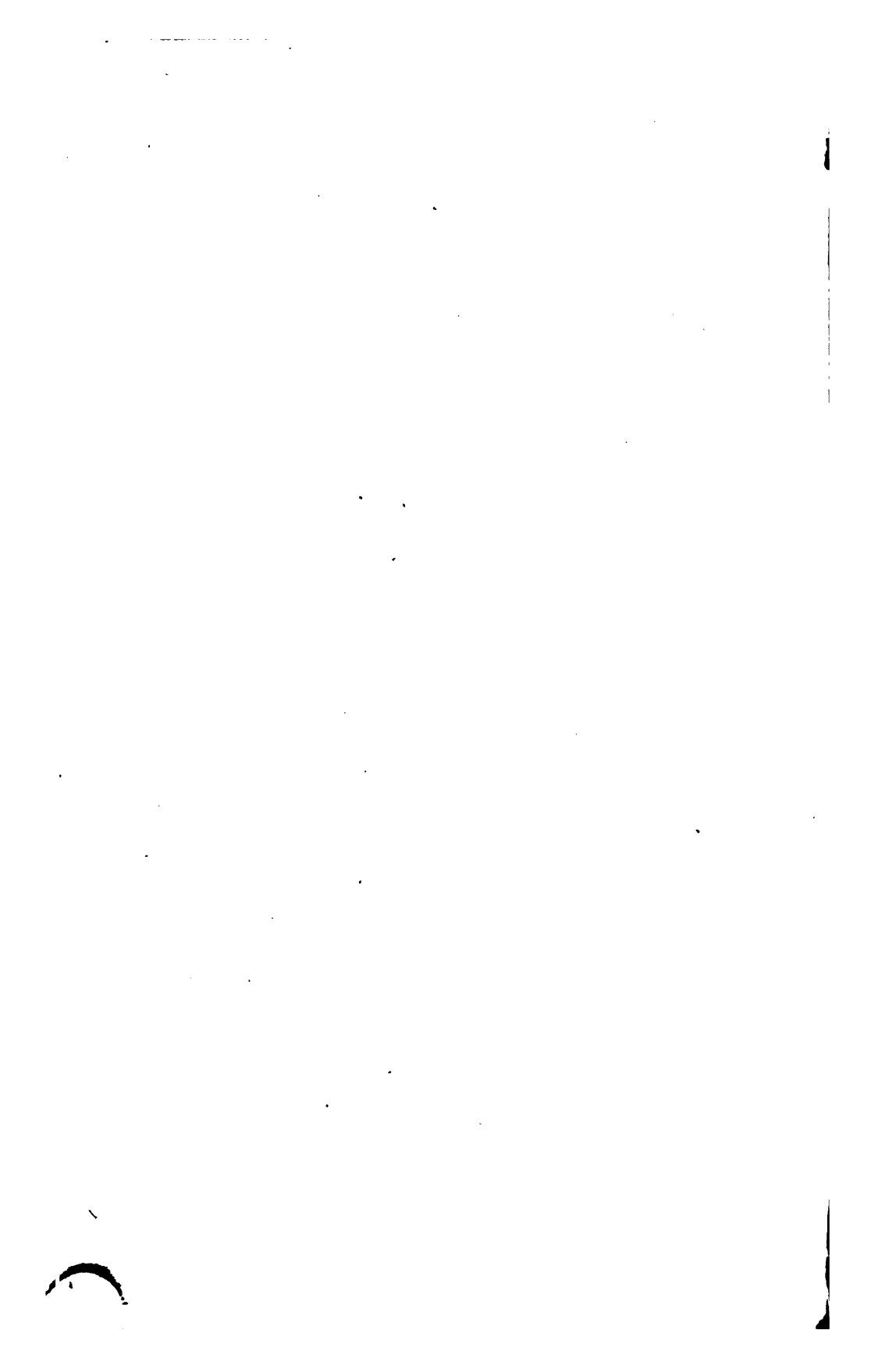
Nationality of mothers.	Per cent of infants exclusively breast fed during specified month.				Per cent of infants artificially fed during specified month.			
	1st.	3d.	6th.	9th.	1st.	3d.	6th.	9th.
All mothers.....	89.3	75.5	48.9	14.2	5.6	9.4	15.8	22.8
American group.....	90.2	77.1	49.2	13.0	3.3	7.2	18.5	25.9
German group.....	89.0	75.3	42.5	12.4	6.7	12.7	16.5	26.4
Polish group.....	90.1	74.6	62.4	22.2	5.6	9.7	14.7	24.4
All others and not reported.....	85.5	76.0	34.0		5.8	2.0	12.8	21.9
All foreign born.....	89.9	73.9	58.7	19.5	5.9	9.0	14.1	19.5

TABLE VI.—*Comparison of feeding methods in Wisconsin with other rural districts and with four cities in which infant mortality investigations have been made.*

Locality.	Per cent of infants exclusively breast fed during specified month.				Per cent of infants artificially fed during specified month.			
	1st.	3d.	6th.	9th.	1st.	3d.	6th.	9th.
Rural districts:								
Wisconsin—								
Northern county.....	89.3	75.5	48.9	14.2	5.6	9.4	15.8	22.8
Southern county.....	92.0	81.5	51.2	12.6	5.6	11.3	15.5	20.2
Kansas.....	92.0	83.2	60.8	23.3	2.1	6.1	12.5	19.3
North Carolina—								
Lowland county *.....	90.4	74.6	50.0	17.0			1.7	3.8
Mountain county.....	73.5	62.0	34.1	15.9				0.9
Cities:								
Saginaw, Mich.....	87.8	74.5	53.9	28.1	9.0	15.6	24.2	29.2
Akron, Ohio.....	87.9	74.2	55.0	28.7	7.1	15.5	22.9	29.5
Manchester, N. H.....	81.2	62.4	37.5	18.4	15.0	28.8	42.5	51.0
New Bedford, Mass.....	83.4	66.0	44.9	26.0	12.8	24.7	37.2	46.8

\* White infants only.







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U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU  
JULIA C. LATHROP, Chief



APRIL 6  
1918

CHILDREN'S YEAR

APRIL 6  
1919

# The Public Health Nurse

How She Helps to Keep the Babies Well

By

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## THE PUBLIC-HEALTH NURSE

### HOW SHE HELPS TO KEEP THE BABIES WELL

#### After the Weighing, What Next?

The Children's Bureau has asked us to make the year of April, 1918, to April, 1919, Children's Year, and, as a first step, to undertake the weighing and measuring of all of Uncle Sam's babies who are under 6 years of age. If your community is like most American cities and towns, it has gone into this movement with all its might, realizing how much the health of the babies means to their fathers and brothers who are fighting in France now, and how much it will count for the strength of our country in the future.

A great many babies have probably been weighed and measured in your town this summer. Some of them, a good many, have been found to be healthy and vigorous; some have been found to be underdeveloped and ailing. These statistics are interesting and valuable, but are they all the weighing and measuring campaign was for?

Its main end, I take it, was not to gather statistics, but to save the lives of some of these babies who would otherwise die of preventable disease. The Children's Bureau believes that 100,000 of these lives can be saved during this year, if we set ourselves resolutely to the task. We want to know where the sick babies are in order that we may make them well; and we want to know where the well babies are, too, in order that we may keep them well.

#### Why the Babies Die.

If the lives of 100,000 babies can be saved by something that we can do or leave undone this year, it must be that what some of us have done or left undone has caused the death of 100,000 babies each year in the past. Those babies did not die of their own accord. They were killed—killed by feeding them with dirty, uncooked cow's milk or some other improper food, killed by weakening them with heavy clothing and then exposing them to a sudden draft, killed by letting some one who was coming down with "a cold" fondle them

and pass on to them the deadly germs of some disease. They were most of them, these 100,000 killed by their mothers or their grand-mothers or their sisters, who loved them very much but did not know how babies ought to be cared for.

The proportion of young babies that will die depends almost wholly on the amount their mothers know about infant care. In Russia 1 baby in every 4 dies before completing the first year of life. The Russian mothers love their babies, but the "mother instinct" does not teach them to feed them only on mother's milk or clean, pasteurized cow's milk, and so they give those babies other foods and the babies are killed by summer diarrhea. In the United States about 1 baby in 8 dies before reaching its first birthday. That is better than the Russian record; but in New Zealand only 1 baby out of 20 dies in the first year of life. The New Zealand mothers are no more devoted than ours. They are no more highly educated nor any wiser in most matters, but they have learned more about infant care.

The great object of this whole campaign of Children's Year is to teach American mothers how they, too, may keep their babies well.

#### **The Infant Welfare Station.**

The local institution about which this campaign centers, the Little Red Schoolhouse of the Baby-Saving Movement, is the infant welfare station. This is a place where the mothers may bring their babies—and where every one of them should be urged to bring her baby, at least once a week—for examination and advice.

Here the physician in charge will examine the child each week, see if he is growing normally, and detect any sign of the beginning of an unhealthy condition in the very first stage, when cure is easy. Here the mother is told how to feed and clothe and care for the baby; is given, in short, all the advice she needs to keep the baby well.

It is the establishment of stations of this kind, and the education of the mothers who have come to them, which have proved everywhere the most powerful weapons in defending the infant against preventable disease. The establishment of such stations in New York City led to a reduction of two-thirds in the infant death rate, with a saving of 4,125 infant lives. Everywhere the story has been the same, hence we may say with complete confidence that any community can reduce its infant mortality rate and save a definite proportion of the infant lives now sacrificed to ignorance by the establishment of an infant welfare station.

### **The Public-Health Nurse and the Child-Welfare Campaign.**

At the right hand of the physician in the infant welfare station stands the public-health nurse. It is she who first interviews the mother, who does the weighing, and prepares the baby for examination. It is she who keeps the records, and it is she who shows the mother just how the physician's directions should be carried out, how the baby should be dressed and bathed, and how cow's milk should be so prepared and pasteurized as to make it safe if breast feeding is impossible.

Above all, it is the public-health nurse who follows the case into the home and there on the spot, with the utensils and the conditions which the mother has at her disposal, she teaches the principles of the care of the baby in the most effective way. She is the final link in the chain that connects the scientific investigator in his laboratory with the children he is working to save. She is the messenger who brings the last word of science to the place where it must really be applied if our knowledge is to be effective.

### **What the Public-Health Nurse Does for the Older Children and for Adults.**

The educational work of the infant-welfare station is but one aspect of the work of the public-health nurse. When the infant grows up and enters school, his physical health is still a matter of grave concern. Defects of eyesight and hearing, decay of the teeth, tonsil and adenoid growths may develop and cause diseases, easily checked in time, but serious if permitted to run their course. It is the school physician who finds these defects; but once more it is the public-health nurse who follows the child into the home and sees that the needed hygienic care or medical treatment are actually secured.

When cases of communicable disease develop in the community, it is the public-health nurse who goes into the home and sees that the necessary precautions are taken to prevent the spread of infection from one to another. In tuberculosis, above all, she not only teaches the patient how to protect others from his infected discharges but how so to conduct his own life that his vital resources may be built up for a successful struggle against the internal enemy.

The nurse is the central figure in the modern public-health campaign. The major object of that campaign is the training of the individual in the laws of personal hygiene and public sanitation, and it is the nurse who brings those laws in effective form to the factory and to the tenement dwelling where they must be applied.

## **Does Your Community Need More Public-Health Nurses?**

Is your city or town or country village doing its part in the protection of its citizens by placing at their disposal the beneficent services of the public-health nurse?

Experience in other communities will make it easy to answer this question. It has been found that for every 5,000 to 10,000 persons in a city or county there should be one general visiting nurse who can do most of the general public-health work as well, while for every 1,000 to 3,000 children in the schools in congested districts there should be a school nurse as well. Whether the infant welfare and tuberculosis nursing and school nursing shall be carried out by the visiting nurses or by separate staffs under the board of health or the board of education depends largely upon local conditions; but somewhere there should be provided nursing service equivalent to that specified above, the full time of one nurse for every 5,000 to 10,000 people and the full time of one additional nurse for every 1,000 to 3,000 children in the schools.

If your community is not provided with such public-health nursing service you may be sure that its citizens are suffering from illness that could and should be avoided and that its babies and grown persons are dying from preventable disease.

## **How to Secure Public-Health Nurses.**

The first step in the organization of adequate public-health nursing service is to form a strong local committee representing the local health department, the medical profession, the women's clubs, the clergy, the press, and the organizations devoted to commercial and civic betterment. The local situation should be studied to see what facilities are already provided and where new public-health nurses can best be employed, by the health department, by the visiting nurse association, or by some other private organization. Next, funds must be obtained sufficient to pay a salary of at least \$1,200 for each nurse, with adequate allowance for expenses. Theoretically, these funds should be provided from the public purse, for health work of this kind is clearly a community responsibility. In many instances, however, it may more easily be begun on private initiative, for the education of budget-making bodies is often a slow process; and the babies can not wait.

After all preparations are made, the task of obtaining a properly qualified public-health nurse will be by no means an easy one. Work of this character requires special training and experience, in addition to the ordinary education of the graduate registered nurse, and

the demands of the war have made serious inroads upon the group of qualified women, already far too small to meet essential public-health needs.

The National Organization for Public-Health Nursing, 156 Fifth Avenue, New York City, will do all that is possible to aid local communities in securing public-health nurses and in planning for the development of the service. A committee of this organization, in a recent letter to the Woman's Committee of the Council of National Defense, has recently made the admirable suggestion that where a qualified public-health nurse can not be found a graduate nurse should be selected and sent for training to one of the schools which offer four or eight months' courses in public-health nursing. Such courses are given in New York, Boston, Philadelphia, Chicago, Cleveland, New Haven, and many other places, and the National Organization for Public-Health Nursing will furnish detailed information in regard to them. Miss Jane A. Delano, director of the department of nursing of the American Red Cross, has suggested that the services of those women who have taken Red Cross courses of instruction may often be profitably utilized as home health volunteers in the public-health campaign but only and always under the direction of a qualified public-health nurse.

### **Public-Health Nursing a War Service.**

The present world struggle is a conflict not only between armies but between nations. Russia collapsed, not primarily from military weakness, but because her social and economic structure, founded on poverty and privilege, gave way, under the strain. The allies will win, not merely through the courage of their soldiers, but even more through the solidarity of their peoples, based on democracy and justice for the average man. The health and efficiency, and the enthusiasm that springs from health and efficiency on the part of the munition worker, the food producer, the shipbuilder, and the railroad employee—these are the sinews of this war; and, therefore, every step taken to maintain such vital assets is a vital factor in the winning of it.







U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, Chief

MENTAL DEFECT IN A RURAL COUNTY

A MEDICO-PSYCHOLOGICAL AND SOCIAL STUDY  
OF MENTALLY DEFECTIVE CHILDREN IN SUSSEX  
COUNTY, DELAWARE

A study made through the collaboration of the United States  
Public Health Service and the Children's Bureau

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DEPENDENT, DEFECTIVE, AND DELINQUENT CLASSES SERIES No. 7  
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## LETTER OF TRANSMITTAL.

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U. S. DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU,  
*Washington, March 25, 1919.*

SIR: I transmit herewith a report on mental defect in a rural county, the result of a study made through the collaboration of the United States Public Health Service and the Children's Bureau. Reports on a county in the same State containing a large urban population have already been published by the Public Health Service and the Children's Bureau.

This report demonstrates the importance of medical and psychological examinations combined with social investigations in a study of the prevalence of mental defect. The seriousness of the problem in rural communities is indicated by the findings, which confirm the evidence as to the individual hardship and the injury to society caused by the lack of proper care for the mentally defective. The study emphasizes the necessity for an adequate program including not only institutional provision for those requiring custodial care but, equally important, the development of facilities for the special training and the proper protection of defective individuals who can safely remain in the community.

The examinations to determine mentality were made by Walter L. Treadway, Passed Assistant Surgeon of the United States Public Health Service, who prepared the section of the report entitled "Prevalence of Mental Defect." The social investigations of children found to be mentally defective were made by Miss Ethel M. Springer and Miss Alice M. Hill of the Children's Bureau. The introduction and the section entitled "Social Study of Mentally Defective Children" were prepared by Miss Emma O. Lundberg, assisted by Miss Katharine F. Lenroot and the agents who made the social investigations.

Respectfully submitted.

JULIA C. LATHROP, *Chief.*

Hon. W. B. WILSON,  
*Secretary of Labor.*





# MENTAL DEFECT IN A RURAL COUNTY.

## INTRODUCTION.

### CHARACTER AND PURPOSE OF STUDY.

The past few years have witnessed a tremendous growth of interest in the significance of mental defect. This has been evidenced particularly by the great number of special investigations and surveys bearing on the need of adequate provision for the care of mental defectives. Most of these studies have been made since 1914, the number increasing yearly. Investigations vary from those State-

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alth Service: Mental Status of Rural School New Castle County, Del., with a Description. ic Health Reports, Nov. 17, 1916. es in New Castle County, Del. Children's

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## INTRODUCTION.

### CHARACTER AND PURPOSE OF STUDY.

The past few years have witnessed a tremendous growth of interest in the significance of mental defect. This has been evidenced particularly by the great number of special investigations and surveys bearing on the need of adequate provision for the care of mental defectives. Most of these studies have been made since 1914, the number increasing yearly. Investigations vary from those State-wide in scope and under the auspices of State commissions to limited studies made by local groups. The methods of study are as varied as the contents, yet all are of general interest as touching upon one phase or another of the many-sided problem of mental defect. Although few comprehensive surveys of mental defect in rural communities have as yet been made, the data already obtained indicate the seriousness of the problem in isolated districts.

This report is the result of a study made in Sussex County, Delaware, by the Public Health Service in collaboration with the Children's Bureau. Its purpose was to secure additional data as to the prevalence of mental defect in a rural population, to analyze the social conditions surrounding mentally defective children, and to discover the extent of the need for public provision for their care. The work of the Public Health Service included mental examinations of the children in the rural and town schools of the county, and the determination of the mental conditions of all inmates of the county almshouse. The Children's Bureau made a general survey for the purpose of locating mentally defective children not in the schools, and those who were thus reported to be possibly feeble-minded were examined in their homes by the Public Health Service after the consent of parents or guardians had been secured. A social study was made by the Children's Bureau of the conditions surrounding the children who were diagnosed mentally defective. Investigations of this nature had been made previously by the Public Health Service and the Children's Bureau in New Castle County, Del.<sup>1</sup>

<sup>1</sup>Mullan, E. H., Passed Assistant Surgeon, U. S. Public Health Service: *Mental Status of Rural School Children. Report of Preliminary Sanitary Survey Made in New Castle County, Del., with a Description of the Tests Employed.* U. S. Public Health Service, Public Health Reports, Nov. 17, 1916.

Lundberg, Emma O.: *A Social Study of Mental Defectives in New Castle County, Del.* Children's Bureau Publication No. 24. Washington, 1917.

Delaware has as yet no institution for the mentally defective. At the legislative session of 1917 an appropriation was made for such an institution, and a commission was appointed to take the necessary steps toward its establishment and to make rules regulating the admission of feeble-minded persons. Although Delaware had for a number of years maintained at State expense 14 mental defectives in the Pennsylvania Training School for Feeble-Minded Children, no mental defective from Sussex County was being cared for in this way at the time the study was made. Provision was being made in the county almshouse and the State hospital for the insane for a very small number of the most urgent cases from the county. The schools of the county provided no special training for backward or mentally defective children.

#### GENERAL CONDITIONS IN THE COUNTY.

##### Location and local government.

Sussex County, the southernmost of the three counties of Delaware, is located on lower Delaware Bay and the Atlantic Ocean, occupying an almost central position in the peninsula which Delaware shares with the eastern sections of Maryland and Virginia. The land is part of the Atlantic coastal plain and as a whole is level, sandy, and easily tilled. The climate is mild. The area of Sussex County is 913 square miles, or 584,320 acres. About four-fifths of the area is devoted to farm land. The coast line is very extensive in comparison with the size of the county, owing to many deep inlets. Four of the rivers flowing through the county are navigable for from 6 to 20 miles. Numerous streams and creeks, with the addition of a considerable number of artificial drains or ditches, irrigate the land. Part of the area is unclaimed swamp land, an extensive swamp located in the southeastern part of the county comprising its most desolate and undeveloped section.

Sussex County is divided into 13 hundreds—ancient divisions corresponding to townships in other States, and said to have originated in an allotment of the land to every 100 families. Recently, for greater political convenience, the county has been redistricted into 10 representative districts, which correspond as nearly as possible to the old division by hundreds. There is also a political division of the county into 5 senatorial districts.

The government of the county is vested in a levy court, consisting of three commissioners, elected at large. It has the direction, management, and control of the business and finances of the county, and appoints the three members of the board of assessment, who make up the tax lists, subject to revision by the court.

##### Racial composition and distribution of population.

The population of Delaware has been extraordinarily static; the increase very slow; the amount of immigration slight. The United

States Census of 1910<sup>1</sup> gives the population of Sussex County as 46,413—white, 38,473; negro, 7,938; other, 2. Only 401, or 0.9 per cent, were foreign born, and 611 more, or 1.3 per cent, were native white of foreign or mixed parentage. The negro population of the county comprised 17.1 per cent of the total.

The white population of the county is comprised chiefly of Americans of English descent, whose ancestors came to this section before the Revolution. Their names and some of their idiomatic terms suggest their Anglo-Saxon origin. Interrelationship among families is prevalent.

The negroes are scattered fairly evenly through the county, with the exception of the central southern section, where there are very few colored families and no colored schools.

An interesting section of the population is a community of persons who term themselves "Nanticokes" and are popularly known as "Moors."<sup>2</sup> They are of mixed blood from white, negro, and Indian stock. These people are located in Indian River Hundred in Sussex County and number about 500.<sup>3</sup> They maintain an exclusive tribal existence, with their own schools and church, and have by their own action secured from the State legislature the legal status of American Indians. Their physical appearance betrays their mixed origin; some are as fair as Caucasians; some have the copper-colored skin and high cheek bones of the American Indian; while others can scarcely be distinguished from the ordinary negro. As a people the "Moors" have proved themselves thrifty farmers. Their land includes some of the best cultivated farms of the county, and many of the families are prosperous.

The population of Sussex County is scattered and rural in character. The 1910 census reported the density of population as 50.8 persons to the square mile.<sup>4</sup> The census classifies cities and incorporated towns of 2,500 or more inhabitants as urban territory. No town in Sussex County had a population of 2,500, though the town of Milford, located partly in Kent County and partly in Sussex County, had slightly more than this number of inhabitants in 1910. The Sussex County population of this town, 1,414, was therefore classified as urban, and constituted 3 per cent of the total population of the county. Twenty incorporated towns or villages were listed in the census; of these 1 had less than 100 inhabitants, 11 had

<sup>1</sup>Thirteenth Census of the United States, 1910, Vol. II, Population, p. 281.

Estimate made by Bureau of the Census for July 1, 1917: Population of Sussex County, 49,432.

<sup>2</sup>Speck, Frank G.: *The Nanticoke Community of Delaware*. Contributions from the Museum of the American Indian, Heye Foundation, Vol. II, No. 4. New York, 1915.

Scharf, John Thomas: *History of Delaware 1609-1888*, Vol. II, pp. 1270-1271. Philadelphia, 1888.

Conrad, Henry C.: *History of the State of Delaware*, Vol. II, pp. 724-725. Wilmington, Del., 1908.

<sup>3</sup>The United States Census does not classify these people separately, but includes them as white or colored.

<sup>4</sup>Thirteenth Census of the United States, 1910, Vol. II, Population, pp. 274, 281.

between 100 and 500; 2 had between 500 and 1,000; 3 had between 1,000 and 2,000; 3 between 2,000 and 2,500.<sup>1</sup> Fourteen other settlements, not incorporated, were reported as having 50 to 100 inhabitants, and 12, as having from 100 to 500.<sup>2</sup> Twenty-six per cent of the total population of the county lived in towns having 500 or more inhabitants; 14 per cent in communities of 50 to 500; and the remaining 60 per cent on scattered farms.

### Economic conditions.

The only important industry in the county is agriculture, the chief product being cereals. Vegetables and fruits are raised to a large extent. Recently fruit growing has increased, and large farms are being bought and managed by corporations or syndicates interested in scientific apple growing. The county is especially noted for its strawberries, and has the largest strawberry shipping market in the United States.<sup>3</sup> There is very little dairy farming.

Much of the farm land is owned by absentee landlords and worked by tenant farmers. The 1910 census<sup>4</sup> reported 3,488 farms operated by owners and 2,007 by tenants. Share tenants constituted 92 per cent of all tenants. Under this form of tenancy the incomes from fixed portions of the crops are turned over to the owners. The portion paid the owner varies in different sections and with different kinds of produce—one-half, one-third, or two-fifths of the crop, as the case may be. Only occasionally is a farm rented on a cash basis. The value of farm property increased 86.1 per cent from 1900 to 1910.<sup>5</sup>

Hired help is difficult to secure. On many of the larger farms the owners provide small dwellings for their employees and necessary wood and produce for their families, in addition to small wages for actual labor. Some families who own their homes hire out by the day. During the rush seasons, especially at berry-picking time, many persons and often entire families come into the county from outside the State—on the east side from Chincoteague Island and the lower peninsula, on the west side from Baltimore and other parts of Maryland. These "foreigners," as they are called by the local people, often constitute undesirable elements. At the end of the season some usually remain as permanent residents of the county.

Supplementing the hired help, the system of taking placed-out children from agencies and institutions or from relatives is common. According to data secured in a survey of dependent children in

<sup>1</sup> Two communities in the above list are located on the boundary of Sussex County. In the above statement only their Sussex population is taken into consideration.

<sup>2</sup> Rand-McNally Indexed Pocket Map and Shippers' Guide of Delaware, pp. 8-12.

<sup>3</sup> Thirteenth Census of the United States, 1910, Vol. VI, Agriculture, p. 268.

<sup>4</sup> Ibid., p. 267.

<sup>5</sup> Ibid., p. 266.

Delaware, made by the Children's Bureau,<sup>1</sup> there were over 400 placed-out children located on farms in Sussex County, the majority of them being boys between the ages of 10 and 18 years.<sup>2</sup>

Next in importance to farming among the industries of the county is canning, providing short-time seasonal employment for a large number of men, women, and children. Many of the cannery workers come in from surrounding States for the season. There are about 50 canneries in the county, most of them canning vegetables and fruits. Only one of them is operated throughout the year. Several are planned for general canning and are busy throughout the entire summer, but in the majority the season lasts only a few weeks.

There are a few manufacturing establishments in the towns, employing small numbers of workers. Among the other industries, lumber is perhaps the most important. Cutting, hauling, and shipping wood is carried on in all parts of the county. Lumbering does not affect the local population very much, for the work is carried on chiefly by gangs of men who locate temporarily in a timber section, set up their own camps and portable engines, and do all the work themselves.

Allied to both the lumber and the fruit-growing industries is basket and crate making, which is carried on in many of the towns and is a very common home industry of women and children. Making holly wreaths is a general preholiday occupation throughout the county. The wreaths are made at home and are sold to men who drive through the districts collecting them for town dealers.

Industries arising through proximity to the ocean and inlets are sailing, shipbuilding, fishing, making fish nets, and oyster shipping. On the eastern coast there is a community of pilots and tugboat captains, including about 75 families. The railroads also furnish employment for a few men whose families live in the county.

Child labor is prevalent in Sussex County, the greatest amount of employment of children being on the farms. The canneries employ a considerable number during the season. Children are engaged in crate and basket making, and in berry picking and various other kinds of work connected with the agricultural and fruit growing industries. The State laws governing conditions under which children are employed in manufacturing and mercantile establishments have been greatly improved in the past year. However, the children of Sussex County do not come under the protection of the State child-labor law to any extent, because of the character of the industries in which they are employed. The Delaware child-labor law of 1917<sup>3</sup> forbade, for the first time, the employment of children under

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<sup>1</sup> Study not completed at the date this publication went to press (October, 1918).

<sup>2</sup> Including children whose original residence was Sussex County and those brought in from outside and including those placed by agencies, institutions, and relatives.

<sup>3</sup> Revised Code, 1915, sec. 3171, as reenacted by acts of 1917, ch. 232.

12 years of age in canneries preserving or canning perishable fruits and vegetables, but did not limit the hours of labor in these establishments.

#### **Means of communication.**

No single factor in the conditions of the county plays a more important part in fostering isolation than the difficulty of transportation. The natural sand roads have no resisting power against the varying weather; during the wet seasons they are mires of deep slush, and in the dry seasons, drifts of loose, finely pulverized sand through which it is almost as difficult to make headway as through mud. At times traffic must be entirely abandoned. Improvement of the roads has begun, and the construction of the new "stone road," crossing the county from north to south, is of the greatest importance; it will open up adjacent sections, making them accessible to one another and to the northern part of the State.

Railroad facilities are very inadequate in some sections of the county, notably on the eastern side. Many farms are 10, 12, and 15 miles from the railroad and depend upon mule teams to transport their produce to the shipping markets. There is no trolley line in the county, nor in any part of the peninsula south of New Castle County.

Many families are 2 or 3 miles or even farther from the nearest telephone. However, the use of the telephone is spreading very rapidly. The Bell Telephone Co. reports an increase in the number of telephones of 500 per cent from 1906 to 1916.

#### **Health.**

The State board of health consists of seven members—two physicians from each county, and a secretary also a physician, who acts as executive officer of the board and is the State registrar of vital statistics. The board is required to enforce the laws of the State governing the public health and to make such additional rules and regulations as it may deem necessary. Such rules and regulations have the authority of law.

The board maintains a laboratory at Newark in New Castle County which is open to physicians, dentists, and veterinarians for diagnostic purposes related to the public health of Delaware. Mailing containers for sending specimens to the laboratory are furnished free of charge at 12 different stations in Sussex County. The board also furnishes diphtheria antitoxin to the inhabitants of Delaware at a nominal sum; but in order to take advantage of this reduction in the cost the attending physician is required to make a report of the case to the State board. This antitoxin may be obtained at any one



of the distributing stations in the State. Eleven such distributing stations are located in towns of Sussex County.

Since 1913 the State laws have required all marriages, births, and deaths to be reported to the State registrar of vital statistics.<sup>1</sup> To facilitate this registration, local registrars have been appointed in each of the three counties. Sussex County is divided into three registration districts. For the purpose of issuing burial permits each of the three districts is provided with subregistrars.

During 1914 there were 287 white and 54 colored marriages in Sussex County, and during 1915, 293 white and 57 colored. During the same periods the number of births registered in the county was as follows: 1914, 472 males and 425 females; 1915, 533 males and 464 females. The total number of deaths in the county for 1914 was 702 and for 1915, 804.<sup>2</sup>

The mortality rate per 1,000 inhabitants in 1914 was 15 and for 1915 was 17.<sup>3</sup> This rate is somewhat higher than that for the death-registration area of the United States for the same years—13.6 for 1914 and 13.5 for 1915.<sup>4</sup> The infant mortality rate for Sussex County in 1914 was 125.9 and for 1915, 138. These infant mortality rates are considerably higher than the rate, 100, for the United States birth-registration area in 1915.<sup>5</sup>

Physicians practicing in Delaware are required to report the occurrence of certain communicable diseases to the State registrar of vital statistics. In all cases unattended by physicians, heads of families, persons in charge of cases, school-teachers, or officers of schools are required to give immediate notice of the occurrence of such diseases.

The county as a unit of local government has no health organization. The majority of incorporated towns of Sussex County have health boards and part-time health officers. Quarantine against communicable diseases in incorporated towns of Sussex County is administered by the local health officer when such an officer exists, or by the mayor of the town. When such diseases occur in the country districts the attending physician is required to enforce the quarantine.

The State board of health requires that children with communicable diseases shall not attend school. Certain regulations governing the sanitary conditions of school grounds and school buildings have been promulgated by this board, but are not enforced in rural districts because of the lack of local health agencies. The medical supervision of school children is not required by State law, a bill for this purpose having been defeated in the legislature in 1917.

<sup>1</sup> Acts of 1913, ch. 85; R. C. 1915, secs. 797, 798, 798a as added by Acts of 1917, ch. 49.

<sup>2</sup> Eighteenth Biennial Report of the Board of Health of the State of Delaware, 1912-1915, pp. 298, 316.

<sup>3</sup> Based on estimated population for Apr. 15, 1914 and Apr. 15, 1915.

<sup>4</sup> Bulletin of the U. S. Bureau of the Census, Mortality Statistics, 1916, p. 12. Washington, 1915.

<sup>5</sup> Bulletin of the U. S. Bureau of the Census, Birth Statistics, 1915, p. 10, Washington, 1917.

The character of the soil and the method of sewage disposal in Sussex County lend themselves to soil pollution and the possible contamination of water supplies. The local production and sale of milk is not supervised, and no attempt is made to prevent the distribution of diseases conveyed by this commodity.

There is a concerted effort to combat tuberculosis in this county. The Delaware State Tuberculosis Commission, created by legislative enactment, maintains three dispensaries for diagnostic and advisory purposes in Sussex County. This commission also employs a nurse who makes home visits to tuberculous cases and advises those ill with the disease as to how to care for themselves and to protect others in the same family.

There are no hospitals in Sussex County. The nearest hospitals are in that part of Milford which is in Kent County, on the northern boundary of Sussex County, across the border in Maryland, and in New Castle County.

Physicians practicing in the county are generally located in towns. During certain seasons of the year, because of bad roads, doctors are not readily accessible to the rural districts. There were 65 registered physicians located in Sussex County at the time of this survey, a rate of 1 physician for every 714 persons. Because of the inaccessibility of medical attention in the more remote districts, midwives are commonly employed. Usually these midwives are women who have had no training in the care of confinement cases. The State does not require midwives to be licensed, though physicians and midwives must be registered.<sup>1</sup>

Since 1909 nurses in Delaware have been required to register before practicing their profession.<sup>2</sup> A number of so-called practical nurses are available in Sussex County. Trained graduate nurses are usually brought in from adjoining States.

#### Literacy.

The percentage of illiteracy in Delaware is relatively high. In 1910 only 14 States showed a higher percentage of illiterate persons among those 10 years of age and over.<sup>3</sup> The State was thirty-second in order in the rate of illiteracy of its native white population of native parentage. The percentage of illiteracy is appreciably higher for the population of Sussex County than for the State as a whole, 10.6 as compared with 8.1. As in the State at large, by far the greatest amount of illiteracy occurs among the colored population, the rate for Sussex County for negroes being 30.1 and for the State as a whole 25.6. The percentage of illiteracy among the native white

<sup>1</sup> Acts of 1913, ch. 85, sec. 9; R. C. 1915, secs. 810, 817.

<sup>2</sup> R. C., 1915, secs. 876-883.

<sup>3</sup> Thirteenth Census of the United States, 1910, Vol. II, Population, p. 281. Ibid.; Abstract, pp. 239 and 245.

population of Sussex County is 6.8, while the average among the same group for the United States is only 3.

### Schools.

Two outstanding features characterize the school system of Delaware<sup>1</sup>—the large extent of local control, and the dual school system whereby white and colored school districts are entirely independent of each other, though under the control of the same county and State authorities. Each school district determines for itself the amount of taxes that shall be raised for school purposes and the way in which the funds shall be distributed. Until 1917 assessment for school purposes covered real property assessed at rental value and personal property assessed at actual value, placing a heavy burden upon the tenant farmers. This naturally discouraged large appropriations for school expenditures, especially in rural districts. The school term and the period when the State compulsory education law shall be in effect are determined by each district. The State law provides for a compulsory period of attendance of children between the ages of 7 and 14 years of not less than three nor more than five months. Within these limits, each district may use its own discretion.<sup>2</sup>

The county is divided into 186 school districts, of which 154 are for white children and 32 for colored. This proportion of colored schools is about the same as the proportion of colored in the population, but the fact that the colored school districts cover practically the same amount of territory as the white school districts indicates the difficulties in the way of a high average attendance. Most of the schools of the county have only one room and one teacher, 79 per cent of the white rural schools and 78 per cent of all the colored schools belonging to this class.<sup>3</sup>

The compulsory education law provides that no child living more than 2 miles by the nearest traveled road from the schoolhouse of his district shall be compelled to attend unless a free conveyance is provided.<sup>2</sup> Many children could claim exemption for this reason. In the colored districts, especially, they often have to go long distances, sometimes 3 or 4 miles, because of the sparseness of the colored population. No transportation is furnished, and since the compulsory period is usually in the depth of winter, bad weather often prevents attendance.

The enumeration of children of school age is made by the clerk of the school committee of each district. The State commissioner of

<sup>1</sup> Weeks, Stephen B.: *History of Public School Education in Delaware*. Bureau of Education Bulletin No. 18. Washington, 1917.

<sup>2</sup> R. C. 1915, sec. 2313.

<sup>3</sup> Educational Directory of the State of Delaware, 1915-16.

education has practically no control over the enumeration. The county superintendent is charged with the enforcement of the attendance law, but has no assistants. He must depend upon the reports of absences made by teachers at the end of each month and owing to the size of the county it is impossible for him to follow up violations in an effective way. The law is poorly enforced because of the absence of central State authority and lack of local interest. The State commissioner of education of Delaware published a report setting forth the conditions for the year 1912-13, and there gave the percentages of attendance in Sussex County, based on total number of children enrolled, as follows: White schools, incorporated, 70 per cent; rural, 55 per cent; colored schools, 48.7 per cent.<sup>1</sup>

The effect of the seasonal occupations in the various sections of Sussex County is evident in the length of the school terms and the time of beginning the compulsory attendance period. Gathering of holly before Christmas, husking corn, packing sweet potatoes in the late autumn, setting out strawberry plants in the early spring, plowing and fertilizing, all have an important influence on school attendance in the county. In 66 (60 white and 6 colored) of the 186 (154 white and 32 colored) school districts the compulsory attendance period in 1915-16<sup>2</sup> was three months. Thirty of those schools did not require attendance until December, and 12, not until January. Most of the rural schools were actually in session seven or eight months. In the town schools a nine-month term was the most common.

Several laws were enacted by the 1917 legislature which were epoch making for the schools of Delaware.<sup>3</sup> The funds available for school purposes were greatly increased, and the system of local taxation improved by the change in method of assessment. County superintendents' salaries were increased, and salaries of white teachers were standardized and a minimum established. Another law, designed to raise the standard of teaching, provided for the payment by the State of the traveling expenses and board of teachers attending the summer school for teachers at Delaware College. A law was passed permitting the consolidation of rural schools. An appropriation of \$15,000 was made for agricultural and industrial education in high schools, thus securing an equal amount for Federal appropriations under the Smith-Hughes Act. A commission to study the entire school system was provided for. It is expected that this will result in greater centralization and in otherwise raising the standard of education in the State.

<sup>1</sup> Wagner, Chas. A.: Public School Attendance of Delaware Children in the Year of 1912-13: A Study and an Appeal, pp. 22, 23, and 29. Wilmington, Del., 1914.

<sup>2</sup> Data compiled from records in the office of the State commissioner of education of Delaware.

<sup>3</sup> Revised Code 1915, ch. 71, sec. 2392 amended by Laws of 1917, ch. 178; sec. 2300 amended by Laws of 1917, ch. 180; Laws of 1917, ch. 186.

**Social life and general educational activities.**

Living conditions throughout the county, except among the more progressive townspeople, are very primitive. In rural districts the remoteness of the home from town and market makes it imperative that the family should be socially and economically as independent as possible, and in a few homes spinning and weaving is still done on old-fashioned wheels and looms handed down from pre-Revolutionary times.

There is little organized recreation in the county. School and church "socials" and the yearly camp meetings are the principal social gatherings in the rural districts. In the towns there are periodic entertainments and motion-picture shows.

The State library commission of Delaware makes provision for the establishment of free public libraries in the school districts of the State, appropriating the amount proportionate to the sums raised for library purposes by taxation in the districts. The establishment of a library is determined by vote of the qualified electors of the school district. As a matter of fact, the people of Sussex County have not availed themselves to any great extent of this privilege. Only five school districts reported libraries of this type. Several of the schools have taken advantage of small circulating libraries sent out by the State federation of women's clubs with a small amount of State aid.

Parent-teacher associations are not very strong in this county, though the educational authorities have been assiduous in their efforts to establish them. In 1916, out of a total of 186 schools, only 41 reported such organizations. The county branch of the State grange, with its local groups, is an active force both in the economic development of the county and in the improvement of social conditions. In the towns the women's clubs, though small in membership, are very active. They are an important influence in the social and civic life of the county. The State federation of women's clubs, with which the Sussex clubs are affiliated, can be accredited with the initiation and accomplishment of some of the most progressive legislation in the State.

**Care of the dependent, delinquent, and defective.**

The Sussex County almshouse is the only public institution in the county. The trustees of the poor, who have the management of the almshouse, give no outdoor relief. There are no private relief organizations, with the exception of small neighborhood groups. The 1917 session of the legislature passed a mothers' pension act<sup>1</sup> providing for aid to be given to "any widowed or abandoned mother of a child or children under fourteen years of age, who is unable

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<sup>1</sup> R. C. 1915, sec. 3071a as amended by Acts of 1917, ch. 237.

without aid to support, maintain, and educate her child or children, or any mother whose husband is permanently, either physically or mentally, unable without aid, to support, maintain, and educate such child or children." The administration of this act is placed in the hands of a commission consisting of nine women, three from each county. The payments are not to exceed \$8 a month for a single child, and \$4 for each additional child in the family, except that the allowance may be increased in case of sickness or unusual circumstances. The State contributes a sum equal to one-half the amount paid out by the county, the total amount to be paid to any county in one year not to exceed \$2,500. The commission was not appointed until January, 1918, consequently the law did not affect the situation in the county during the time included in this investigation.

Children who are received by the almshouse are placed in families, unless so physically defective that this method of care is impossible. A small number of children, perhaps not more than one or two a year, are indentured. These children are bound out "in consideration of \$1" until they are 18 or 21 years of age. Agreement as to schooling to be given the child differs for each individual case. It is stipulated that two outfits of clothing shall be given to each child on the date of his legal release from indenture. Most of the children from the almshouse are placed informally in families, the almshouse keeping no record of their disposition and assuming no responsibility for their welfare.

Because of the scarcity of farm labor, families in Sussex County have welcomed the opportunity to secure the assistance which placed-out children can give. Certain of the large home-finding agencies in other States have been sending children to this county for the past 40 years. Others have begun to use this territory more recently. Until 1917 there was no State supervision or control over dependent children in Delaware. In that year the legislature passed a law regulating the bringing into the State of children from other States. A bond of \$3,000 must be filed with the commissioner of education for each child so placed to insure against the child's becoming dependent upon the public for support.<sup>1</sup>

Two children's agencies with headquarters in Wilmington work throughout the State, one of them prosecuting parents for neglect of their children and removing children from detrimental surroundings, and the other placing and supervising children in free homes. Both these societies are private, one of them being subsidized by the State. Some of the children removed from their homes are placed in institutions within or outside the State; others are placed in farm homes.

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<sup>1</sup> Acts of 1917, ch. 185, sec. 2.

Both adult and juvenile offenders come before the county court. Offenders receiving sentences of six months or less serve their terms in the county jail; longer term offenders are sent to the New Castle County Workhouse. Whipping is still a punishment for larceny, but since 1909 Sussex County lawbreakers have been sent to New Castle County to receive their lashes. Minors guilty of petty misdemeanors are dealt with by local authorities. Those under 18 years of age guilty of serious offenses are committed to the two industrial schools in New Castle County. These institutions are under private control but are granted State appropriations and receive per capita payments from the levy court of the county from which the children have been committed. During the two years from November 1, 1915, to November 1, 1917, 11 children from Sussex County were received by the industrial schools. These children constituted 7 per cent of the total number admitted during this period.

The Delaware Commission for the Blind has supervision and control of the education, training, and welfare of the blind, and also visits institutions outside the State wherein the indigent deaf, dumb, and feeble-minded children of the State are being maintained and instructed. The State pays for the training of 10 blind and 15 deaf children in institutions outside Delaware. The field worker of the commission for the blind visits all blind persons in the State, keeps a record of all cases of blindness, and teaches adults in their homes to read embossed type. The workshop conducted by the commission in Wilmington provides training in handicrafts and supplies employment for blind men and boys; women are given work in their homes. The commission reported in August, 1917, that there were 44 blind on their Sussex County list, 2 of whom were in schools for the blind, and 4 deaf and dumb pupils from this county in schools for the deaf and dumb.

Delaware was the second State in the Union to adopt State care of the insane. The State hospital for the insane is under the control of a commission consisting of three members from each county. On August 1, 1917, 66 of the 500 inmates of the institution were from Sussex County. Because of the lack of provision for the mentally defective there were a number of feeble-minded patients in this institution, six of the inmates from Sussex County being mentally defective.

Only 3 of the 35 inmates of the Sussex County almshouse at the time of this study were found to be normal mentally, 19 of the inmates being diagnosed feeble-minded. Examinations of inmates of the reformatory for boys by a psychologist of the University of Pennsylvania Psychological Clinic did not reveal any mentally defective boys from Sussex County in that institution. Two girls

from this county who were inmates of the industrial school for girls were reported by the superintendent as being feeble-minded, but were not included in this study because not diagnosed by the Public Health Service.

#### MEASURES FOR SOCIAL IMPROVEMENT.

The situation in Sussex County indicates that the old-time standards are rapidly proving inadequate, and the progressive element in the county is awakening to the need of improving general social conditions, especially educational facilities. Fundamental to the development of the county along economic and social lines is the improvement of means of communication, especially of roads. With improved methods of farming will come reduction in the proportion of share tenants and a general betterment of economic conditions. The extension activities of the Delaware State Agricultural College and the farmers' institutes, arranged under the auspices of the State board of agriculture, have aroused a growing interest in scientific farming that has already brought results.

The need for improvement in school conditions has already been emphasized. The reform in taxation methods secured in the last legislative session, and the beginning made toward increasing the salaries of teachers and school officials and making the assistance of the State college easily available to teachers, can not fail to bring better school facilities and higher standards of instruction. The need for such consolidation of the schools as the optional consolidation law permits is evidenced by the fact that, in 1915-16, 79 per cent of the white rural schools and 78 per cent of all the colored schools in Sussex County were one-room schools, with one teacher.<sup>1</sup> No provision can be made for the proper instruction of retarded or mentally defective children in rural districts until this condition is changed. A very considerable proportion of the children, especially the colored, live at distances that are almost prohibitive, even under the present system of small, scattered schoolhouses. Essential to making education available are means for transporting children to schools that are at a distance from their homes. Consolidation of school districts necessarily implies some special arrangement of this kind.

Even with the improvement of school facilities, not every child will receive the education which is his due unless provision is made for a school census, secured by a thorough canvass and an effective compulsory education law. It is the State's responsibility to provide some training adapted to the child's needs for every child of school age. The State is not released from this duty because a child is subnormal or defective, but must make a place for him in the general

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<sup>1</sup> Educational Directory of the State of Delaware, 1915-16.



educational scheme, unless he is physically unable to take advantage of any training that might be devised. Physical and mental examinations are requisite in many cases to the proper understanding of children in the schools, and will lead to the correction of physical defects that handicap mental development.

The increase of general educational and recreational facilities, such as libraries, clubs, or similar bodies, and organized community activities of various kinds, will result in raising the general level of intelligence and social life. The appreciation of the importance of mental hygiene and of the seriousness of mental subnormality from the social and eugenic points of view will create a body of public opinion demanding and supporting constructive effort on the part of the State toward the solution of these problems.

## **SECTION 1.<sup>1</sup>**

### **PREVALENCE OF MENTAL DEFECT.**

#### **CHAPTER I. THE DIAGNOSIS OF MENTAL DEFECT.**

##### **MENTAL DEFECT A MEDICAL PROBLEM.**

Until recently mental diseases were regarded apart from medicine and but little attention was paid to their scientific study. Happily, this opinion has gradually lost ground, and psychiatry is now regarded as a special and important branch of medicine, while mental hygiene has taken prominence in preventive medicine.

As a matter of fact, though the problem of the insane and mental defective is of great medico-legal, educational, and sociologic interest, it is primarily a medical problem of increasing importance. Under present-day conditions the physician in general practice is in contact almost daily with some type of mental disorder and is often called upon to diagnose mental deficiency. At times he must give an opinion as to the necessity for institutional care for certain individuals and must prescribe specialized training suitable to the needs of others. He is quite frequently called upon to give a scientific opinion as to the criminal responsibility of an individual. As medical inspector of schools he must consider the relationship of certain cases of physical disorders to mental development, point out the children not able to profit by the usual courses of study, and give advice in respect to their care and training.

Furthermore, the special knowledge of the physician is necessary for the diagnosis of mental deficiency. Familiarity with types of delirium, mental disorders involving deterioration, mental diseases in which emotional adjustments determine the mental attitude, and the relationship of associated physical disorders to mental development, especially in children, make a physician with psychiatric training more competent to interpret the results of formal tests for grading intelligence than are those whose training is purely psychological. On the other hand, it is not intended to minimize the necessity of psychological training and experience in diagnosing such cases.

##### **RELATION TO RETARDATION.**

Mental deficiency or feeble-mindedness is a condition in which mental growth is so much slower than normal that, in adult life, mental development can not progress beyond that of a child. In diagnosing the condition, therefore, it is important to differentiate between retardation due to a physical disorder which will disappear

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<sup>1</sup> Section prepared by the U. S. Public Health Service.

if the disorder is corrected, and retardation due to a primary mental defect which is incurable, though not necessarily inherited.

#### FORMAL TESTS.

If the results of formal mental tests could be relied upon absolutely, the diagnosis of mental deficiency would be a simple matter for any intelligent person. Studies conducted by the Public Health Service and others, however, have shown wide variations in the results obtained by the Binet-Simon scale in apparently normal children. These studies have led to the conclusion that psychological tests can not be relied upon as the sole method of diagnosing mental deficiency. Emotional reactions and attitudes of the individual while under examination, together with his entire mental make-up, must be taken into account in the interpretation of the tests.

#### RELATION TO OTHER MENTAL DISORDERS.

There is a tendency to include higher and higher grade cases in the feeble-minded group. It must be recalled, however, that other mental disorders may resemble feeble-mindedness. The examiner must, therefore, be certain of the primary mental defect before diagnosing these high-grade cases as mental defectives.

One familiar with psychoneurotic individuals must have been impressed with their childlike manner of emotional adjustments. Moreover, an individual with retiring and "shut-in" tendencies, who may eventually develop dementia præcox, might be mistaken by the inexperienced for a high-grade mental defective. This confusion is still more likely in well-developed and markedly deteriorated cases of dementia præcox.

Certain cases of mental disorders of the excitable or manic type and the epilepsies are occasionally noted in mental defectives. When such cases are under observation the examiner should determine whether they are primarily mental defectives, and to do this he must have a knowledge of the organic mental diseases. This is particularly necessary if he is dealing with persons past middle life.

Furthermore, it is well known that the feeble-minded are often public dependents, immoral, prone to acts of violence and to criminal and sexual offenses, disseminators of communicable diseases, and not infrequently addicted to the use of alcohol and drugs. It must be borne in mind, however, that the majority of the individuals whose social reactions are of this type are not feeble-minded. The social and moral reactions alone, therefore, can not be relied upon for the diagnosis of mental deficiency. This statement will be in a measure confirmed by the results obtained in this investigation, one phase of which was a psychiatric examination of persons who appeared, from a study of their social reactions, to be feeble-minded.<sup>1</sup>

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<sup>1</sup> See p. 24.

## **CHAPTER II. PREVALENCE OF MENTAL DEFECT IN SUSSEX COUNTY SCHOOLS.**

### **SCOPE OF SURVEY.**

During the course of a survey by the Public Health Service of the prevalence of mental deficiency in Sussex County, studies were made at 181 of the 186 schools listed in the official report of the commissioner of education of Delaware (1915-16). One school was inaccessible, and four were not in session. Of the 181 schools, 151 were for white children and 30 for colored. At each of these schools, in connection with the mental hygiene studies, observations were made of the sanitary conditions of the buildings and their environment. These observations will be embodied in a later report. Physical examinations of the school children were not made in this county.

### **METHOD OF EXAMINATION.**

At each school the examiner interviewed all the children for suspected mental deficiency and selected a varying number of them for a special examination. This selection was determined by the history, general appearance, general mental attitude, emotional reactions, and mental adjustments of the individual child. A second group held for an intensive examination consisted of those that the teacher pointed out as peculiar or unusual, as problems in the school or in the community life, or as chronologically much too old for their grade.

This method of selecting children for intensive examination was chosen because it was not time consuming and was apparently consistent with accuracy. It utilized the professional knowledge of one experienced in estimating the mentalities of normal and sub-normal children, supplemented by the opinion of teachers who had observed the children closely for one or more years. This method is similar to the one employed by officers of the Public Health Service in examining immigrants.

### **ENROLLMENT AND ATTENDANCE.**

The percentage of enrollment in attendance during the earlier part of this investigation (in November and December, 1916) was somewhat lower than that found during the later month (January, 1917). In some sections of the county the number of children attending school is subject to seasonal variations, due to the temporary employment of children in certain local industries.<sup>1</sup> For example,

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<sup>1</sup> See p. 13.

from late in November until near Christmas the inhabitants living in the country districts are engaged largely in gathering holly, which grows in great abundance in this section, and in weaving wreaths for the Christmas trade. Many children are kept from school during this period to assist in the work.

The attendance in the two periods is compared in Table I:

TABLE I.—*Enrollment and attendance of white school children during holly-gathering season and in January compared.*

Season and locality.	Enroll- ment.	Attendance.			
		Total present.	Per cent of enroll- ment.	Boys present.	Girls present.
Holly-gathering season, November and December (east side of county):					
Country.....	2,423	1,858	76.7	1,000	858
Towns.....	1,866	1,371	73.5	679	692
January (west side):					
Country.....	1,977	1,719	86.9	815	904
Towns.....	1,237	1,056	85.4	520	536

#### NUMBER GIVEN INTENSIVE EXAMINATION.

Of 6,004 white and 855 colored school children observed during the course of this survey, 299 of the former (4.98 per cent) and 93 of the latter (10.88 per cent) were given intensive mental examinations.

#### PREVALENCE OF MENTAL DEFECT AMONG WHITE SCHOOL CHILDREN.

Sixty-seven, or 1.1 per cent, of 6,004<sup>1</sup> white school children inspected were mental defectives. Of these 10 were from 6 to 10 years old, 39 from 11 to 14, 15 from 15 to 17, and 3 from 18 to 20. Table II gives the prevalence of feeble-mindedness in the schools in more detail.

TABLE II.—*Prevalence of mental defect in white school children.*

Locality.	Number Inspected.			Number and per cent mentally deficient.					
	Total.	Boys.	Girls.	Total.		Boys.		Girls.	
				Num- ber.	Per cent.	Num- ber.	Per cent.	Num- ber.	Per cent.
Whole county.....	6,004	3,014	2,990	67	1.11	46	1.52	21	0.70
East Side:									
Country.....	1,858	1,000	858	27	1.45	18	1.80	9	1.05
Towns.....	1,371	679	692	11	.80	6	.88	5	.72
West Side:									
Country.....	1,719	815	904	19	1.11	15	1.84	4	.44
Towns.....	1,056	520	536	10	.95	7	1.35	3	.56

<sup>1</sup> Eighty per cent of the total enrollment of 7,503.

In this study it has been possible to determine the prevalence of mental defect among white children enrolled in school, as well as among those in attendance when the mental examinations were made. In the survey of the homes 19 feeble-minded cases were found who were enrolled in school but were absent when the school examination was made. In other words, out of a total enrollment of 7,503, eighty-six feeble-minded cases were found, or 1.1 per cent. The result is found to be identical with that obtained in the case of the children inspected in school.

#### PREVALENCE OF MENTAL DEFECT AMONG COLORED SCHOOL CHILDREN.

Twenty-nine, or 3.4 per cent, of the 855<sup>1</sup> colored school children inspected were mental defectives; 5 of them were from 6 to 10 years of age, 18 from 11 to 14, and 6 from 15 to 17, the greatest number falling in the 11 to 14 age group. Of 431 boys inspected, 13 were mental defectives (3 per cent), and of 424 girls inspected, 16 (3.8 per cent) were mental defectives. This was one of the few groups where the rate was higher in the case of girls than in that of boys.

In addition, there were found in the homes 15 cases who were enrolled in school but were absent when the school was visited. Therefore, out of 1,478 enrolled, 44 mental defectives were found, or 3 per cent.

It is not to be assumed that the results of this study in the colored schools represent accurately the prevalence of mental defectives in this class of the population in the county, because of the small number of children inspected.

#### RESULTS WITH BINET SCALE.

Although formal tests were not the main reliance in determining mental defect in Sussex County, they were used in each intensive examination of school children and the mental age of the child was determined. The mental age was then considered in forming an opinion as to whether the child suffered from a mental defect.

As a matter of information, Tables III, IV, and V are given to show the number of feeble-minded children in each chronological and mental age group.

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<sup>1</sup> Fifty-eight per cent of the total enrollment of 1,478.

TABLE III.—Results of grading 66 white feeble-minded school children by Binet scale.

Chronological age.	Boys.									Girls.								
	Total.	Mental age.								Total.	Mental age.							
		3	4	5	6	7	8	9	10		4	5	6	7	8	9	10	
Total.....	45	1	3	5	4	5	12	12	3	21	1	2	3	2	7	5	1	
7.....	3		2	1														
8.....	2	1		1						1		1						
9.....	1				1					1	1							
10.....	1			1						1			1					
11.....	5			1		1	3			2		1			1			
12.....	6				1	2	3			4			1		2	1		
13.....	6					1	3	2		3					2	1		
14.....	7		1				2	3	1	6				2	2	2		
15.....	9			1	2		1	4	1	2		1					1	
16.....										1						1		
17.....	3							2	1									
18-20.....	1					1												
21.....	1							1										

a One feeble-minded boy, 21 years of age, was not accurately graded and was not included in this table.

TABLE IV.—Results of grading 29 colored feeble-minded school children by Binet scale.

Chronological age.	Boys.									Girls.						
	Total.	Mental age.								Total.	Mental age.					
		3	4	5	6	7	8	9	10		4	5	6	7	8	9
Total.....	13				4	4	3	1	1	16	1	3	2	3	4	3
8.....	1				1											
9.....																
10.....	3				1	2				1				1		
11.....	1				1					1			1			
12.....	2					1	1			3	1		1	1		
13.....										3				1	1	1
14.....	3				1		1	1		5		2			2	1
15.....	2					1	1			2		1			1	
16.....	1								1	1						1

TABLE V.—Mental age of white and colored feeble-minded school children.

Mental age.		Total.	White.	Colored <sup>a</sup>
Total.....		95	66	29
3.....		1	1	
4.....		5	4	1
5.....		10	7	3
6.....		13	7	6
7.....		14	7	7
8.....		26	19	7
9.....		21	17	4
10.....		5	4	1

The average retardation was 3.4 years for the 7 to 10 year age group, 5.3 for the 11 to 14 age group, and 7.3 for the 15 to 17 age group.<sup>1</sup>

<sup>1</sup> The number of cases involved was 15 for the first age group, 57 for the second, and 21 for the third.

## PLACED-OUT CHILDREN.

Previous studies conducted by the Public Health Service have shown a somewhat lower percentage of mentally defective children in the general school population than in Sussex County, where the average for white school children was 1.1 per cent.

The higher percentage in Sussex County is due to the number of feeble-minded dependent children placed out in the county. For several years certain agencies in adjoining States have had a policy of placing children in farm homes in this State. The system has been fostered by the demand for child labor created by the character of the farming in southern Delaware. The fact that until 1917 no bond was required by the State for the purpose of preventing these dependent children from becoming public charges has resulted in the placing out of many mentally defective children in the county.

An analysis of the data obtained in this survey of the schools shows that of the 67 (46 boys and 21 girls) feeble-minded white children noted, 10 (9 boys and 1 girl), or 14.9 per cent, had been brought into the county and placed in family homes.

The presence of these children raises the percentage of feeble-mindedness. Exclusive of them, 0.95 per cent (1.23 per cent of the boys and 0.67 per cent of the girls) were mentally defective. As noted above, including the placed-out feeble-minded group, the feeble-minded composed 1.1 per cent of the white children inspected.

The percentage of defective children found in Sussex County, exclusive of the feeble-minded placed-out children, was the same as that found in the rural schools of Porter County, Ind., by the Public Health Service during intensive individual examinations.<sup>1</sup> In Porter County 14.3 per cent of the population was foreign-born white.<sup>2</sup>

## MENTAL DEFECT IN PUBLIC SCHOOLS A MENACE.

The feeble-minded boy or girl is a misfit in the public schools, particularly when kept in the regular classes. The feeble-minded are unable to profit by the usual course of study in the schools and should be segregated either in special classes in the regular schools or in separate schools. The extra time and energy the regular teacher devotes to such children is wasted, because they require a more special and intensive form of instruction than can be given in the regular classes. Furthermore, the necessity of constant supervision and discipline of children of this type interferes materially with the teacher's discharge of regular classroom duties.

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<sup>1</sup> Clark, T., Collins, G. L., and Treadway, W. L.: "Rural school sanitation, including physical and mental status of school children in Porter County, Ind.," Public Health Bulletin, No. 77, p. 110. Washington, 1916.

<sup>2</sup> Thirteenth Census of the United States, 1910, Vol. II, Population, p. 580.



Not only are the feeble-minded children misfits in their classes, but they are equally so in their association with other children. Older children often treat them unkindly and subject them to all sorts of abuse and ridicule. Responsive to degrading influences and prone to vicious practices, the feeble-minded child is not a suitable associate for younger children his equal and often his superior in mental attainments. For example, the free association of a 16-year-old boy, whose mental development is that of a 6-year-old child, with children of the latter age, especially girls, or the free association with young boys of a 16-year-old feeble-minded girl without self-restraint who has considerable knowledge of debasing practices, will lower the moral standards of the school.

The segregation of the mentally defective child in special classes, besides being of decided advantage to other children, is of material benefit to the child himself, because of the opportunity afforded for individual and specialized training. The consolidation of schools in the rural communities of Sussex County will make it practicable to adopt measures for the segregation, classification, and training of the mentally inferior.

CHAPTER III. MENTAL CONDITION OF INMATES OF THE ALMSHOUSE.

Although the mentally defective child is a misfit in the environment of childhood, the condition is more easily controlled during this period. The feeble-minded adult is unable to comprehend laws made for adults whose minds continue to develop until the retrogressive changes of old age begin. He is unable to recognize the rights of others, control his acts, or adjust himself to the standards of the community and society. He is responsive to vicious influences which tend further to weaken his already inefficient self-control. He is unable to provide against adversity, and not infrequently becomes dependent upon private or public charity. Unfortunately, many such eventually are committed to the county almshouse.

In December, 1916, there were 35 inmates (21 white and 14 colored) in the Sussex County almshouse, located near Georgetown, Del. The distribution as to sex was as follows: Females, white 6, colored 5; males, white 15, colored 9. Three of the inmates were young children, two being illegitimate colored boys (one 10 months old and the other 8 years old) and one being a 14-year-old white boy.

The mentality of the inmates of the almshouse is given in Table VI, according to specified age groups.

TABLE VI.—Mentality of inmates of almshouse, by specified age groups.

Age group.	Inmates of almshouse.										
	Total.	Mental condition.									
		Feeble minded.					Other mental disorders.				
		Normal.	Idiots.	Imbeciles.	Other mental defectives.	Doubtful mental defective.	Epileptic.	Dementia praecox.	Senile dementia.	Dementia due to arterio-sclerotic conditions.	Parasit.
Total.....	35	23	1	13	5	1	1	1	4	4	1
Over 60 years.....	17	2		4	2			1	4	4	
50 to 59 years.....	3						1				
40 to 49 years.....	7	1		4	2						
30 to 39 years.....	3			3							
Children (to 20 inclusive) <sup>b</sup> .	5		1	2	1	1					

<sup>a</sup> One, in the age group 40 to 49, had locomotor ataxia.

<sup>b</sup> The doubtful case was 10 months old; the other four were in the 6- to 20-year age group, one being 8 years old, one 14, one 18, and one 19.

Of the 35 inmates of this almshouse, therefore, 19 were mental defectives. Of these, 3 were white females, 8 white males, 3 colored females, and 5 colored males. It will be noted that but 3 of the 35 inmates were of normal mentality.

No records are available as to the number of mentally afflicted persons who have been admitted to, have died in, or have been discharged from this almshouse during its existence.

#### MINGLING OF SEXES.

The various sexes and races mingle freely during the day, though housed in separate departments. That there is little supervision over them is shown by the fact that a white woman with the mental capacity of a small child was without protection from the sexual advances of men. As a result she has given birth to two illegitimate colored children during the past nine years. The father of one of these children is reported to have been an inmate and the father of the other an employee of the institution.

#### SANITATION AND MEDICAL CARE.

The Sussex County almshouse not only fails to keep the sexes segregated, but it fails to give the inmates sanitary conditions or proper medical care. The institution grounds are flat and the drainage is only fair. No attempt is made to abate the fly nuisance. The institution is not sewered and the privies are insanitary. The patients use buckets for urinals and commodes. The probabilities of soil pollution at the institution are great.

A hospital department is said to have been maintained at this institution, but such a department does not now exist. There is no modern equipment for the care of the sick. Not only do the inmates have irregular medical advice and practically no medical supervision, but they are subjected constantly to the danger of contracting communicable diseases.

#### ABSENCE OF SPECIAL TRAINING.

As at all other almshouses, the mentally defective inmates are given no special training designed to make them self-supporting.

#### COST OF MAINTENANCE.

The annual per capita cost of caring for the inmates of the almshouse (April, 1915, to March, 1916) was \$156. For this amount, in an institution under State supervision, clean sanitary surroundings, proper medical supervision, continuous daily medical attention, kind treatment, and training in self-control and self-support may be had.

## **CHAPTER IV. MENTAL DEFECTIVES EXAMINED IN THEIR HOMES.**

### **SOURCES OF STUDY.**

In addition to the examination of the school children and the inmates of the almshouse, a certain group of persons were examined whose reported social reactions were suggestive of some mental disorder. These suspected cases were obtained through the investigators of the Children's Bureau. The social histories of the cases were obtained by these investigators from the following sources:

1. Families of school children previously diagnosed by the Public Health Service investigator as mentally defective. Through visits to these families other cases whose social history suggested feeble-mindedness were observed, either in the immediate family group or among near relatives. Some of these cases were so low grade mentally as to be unable to attend school, and others had passed the age of compulsory school attendance (14 years).

2. Families and friends of almshouse inmates who had been found to be feeble-minded. While the records at the almshouse were meager, they provided a certain entering wedge for further study by the Public Health Service investigator.

3. Public school records. Among the relatives of these cases, furthermore, were found a few cases suspected of being mentally defective.

4. Reports by school-teachers of cases living in their vicinity. Among the relatives of these cases several more suspected of mental defect were found.

5. List of suspects furnished by the Delaware Commission for the Blind. As before, a few of the suspects in this list had relatives who were suspected through their social histories of being feeble-minded.

6. County officials, club women, certain individuals interested in social betterment, and friends of persons having feeble-minded children.

Individuals 21 or more years of age whose social history pointed to the possibility of mental defect were not investigated, as a rule, if unrelated to cases less than 21 years of age. Forty such cases were not investigated for this reason.

### **RESULTS BASED ON SOCIAL HISTORY.**

From these sources 181 suspected cases were found, out of a large number investigated. On psychiatric examination 142 of these proved to be mentally defective; 2 of the suspected cases had essen-

tial or idiopathic epilepsy; and 4 possessed certain constitutional traits which warranted their being classified as psychopathic individuals. In addition, 14 cases were classed as retarded mentally. These, although below the normal in mental attainments, could not be regarded at the time of the investigation as certainly feeble-minded. The future alone will determine whether they were retarded from lack of opportunity or actually had a mental defect. Of the 181 suspected cases, 162 were, therefore, mentally abnormal, thus leaving 19 who were mentally normal.

It has been previously stated that social history alone is not sufficient for a diagnosis of mental deficiency. In this instance it is to be noted that of the 181 suspected cases examined, 142 proved to be actually feeble-minded, leaving 39 which would have been wrongly diagnosed on the basis of social history alone. In other words, the diagnosis would have been inaccurate in 21.5 per cent of the cases. Some of the cases which would have been wrongly diagnosed by the social-history method were normal mentally; others had mental ailments which could be distinguished from mental defectiveness only by an exacting psychiatric examination, and still others were classed as "retarded" mentally.

The sex and color distribution of the cases suspected of feeble-mindedness are given in Table VII:

TABLE VII.—*Sex and color distribution of 181 cases suspected of mental deficiency on the basis of social history.<sup>a</sup>*

Mentality.	Cases suspected of mental deficiency.						
	Total.	White.			Colored.		
		Total.	Male.	Female.	Total.	Male.	Female.
Total.....	181	108	69	39	73	41	32
Feeble-minded.....	142	85	55	30	57	31	26
Retarded.....	14	9	7	2	5	4	1
Epileptics.....	2	2	1	1	.....	.....	.....
Psychopathic constitution.....	4	4	2	2	.....	.....	.....
Normal.....	19	8	4	4	11	6	5

<sup>a</sup> Two white and one colored case, related to school cases, were found in the almshouse. Since they are included in the statistics for that institution (see p. 32), they are omitted from the above record.

#### DISTRIBUTION OF MENTAL DEFECTIVES FOUND IN HOMES.

Turning now to the cases which were actually feeble-minded, it seems well to point out that 41 (27 boys and 14 girls) out of the 142 were 6 to 14 years of age, the period during which schooling is required.<sup>1</sup> Some of these cases were idiots and imbeciles unable to attend school.

<sup>1</sup> Delaware compulsory school attendance law requires attendance from 7 to 14 years. (R. C. 1915, sec. 2313.)

The details in regard to the age and sex distribution of the feeble-minded cases are given in Table VIII:

TABLE VIII.—*Age and sex distribution of feeble-minded cases seen in home, by source of case.*

Source of case.	Feeble-minded cases seen in homes.										
	Total.	Male.					Female.				
		Total.	Age.				Total.	Age.			
			Under 6 years.	6 to 14 years.	15 to 20 years.	21 years and more.		Under 6 years.	6 to 14 years.	15 to 20 years.	21 years and more.
Total.....	142	86	3	27	31	25	56	2	14	20	20
White cases.....	85	55	1	16	19	19	30	2	10	9	9
Related to school cases.....	13	8	1	2	2	3	5	.....	2	2	1
Related to almshouse cases.....	5	5	.....	2	2	1	.....	.....	.....	.....	.....
Public-school records.....	13	8	.....	4	3	1	5	.....	3	2	.....
Related to above cases.....	10	5	.....	1	1	3	5	1	1	.....	3
Teachers and relatives.....	11	6	.....	2	1	3	5	.....	3	2	.....
Related to above cases.....	5	2	.....	1	.....	1	3	.....	.....	2	1
Delaware Commission for the Blind.....	14	12	.....	1	5	6	2	.....	.....	.....	2
Related to above cases.....	1	1	.....	.....	.....	1	.....	.....	.....	.....	.....
Other.....	13	8	.....	3	5	.....	5	1	1	1	2
Colored cases.....	57	31	2	11	12	6	26	.....	4	11	11
Related to school cases.....	26	15	2	6	5	2	11	.....	2	3	6
Related to almshouse cases.....	3	2	.....	.....	2	.....	1	.....	.....	.....	1
Public-school records.....	14	8	.....	3	3	2	6	.....	2	4	.....
Related to above cases.....	6	2	.....	.....	.....	2	4	.....	.....	.....	4
Teachers and relatives.....	6	3	.....	1	2	.....	3	.....	.....	3	.....
Other.....	2	1	.....	1	.....	.....	1	.....	.....	1	.....

## CHAPTER V. PREVALENCE OF MENTAL DEFECTIVES IN GENERAL POPULATION.

When the three groups of cases discussed in the three preceding chapters are combined, it is seen that at the time of this survey there were at least 257 cases of mental defect in Sussex County. In other words, at least 0.52 per cent of the population <sup>a</sup> were feeble-minded.

There were, no doubt, many additional cases, since little effort was made to secure histories of cases not related to those under 21 years of age. Although no estimate of the actual number of cases appears possible, an analysis of those cases found has some value and is therefore given herewith.

### SEX AND COLOR DISTRIBUTION, BY GROUPS STUDIED.

The distribution of these cases of feeble-mindedness, by color and sex, in the three groups of the population studied is indicated in Table IX:

TABLE IX.—*Sex and color distribution of feeble-minded cases in county, by groups.*

Color and sex.	Feeble-minded cases in county.			
	Total.	School population.	Alms-house.	Cases examined in homes.
Total.....	257	96	19	142
White.....	163	67	11	85
Male.....	109	46	8	55
Female.....	54	21	3	30
Colored.....	94	29	8	57
Male.....	49	13	5	31
Female.....	45	16	3	26

### DISTRIBUTION, BY SEX AND COLOR, ACCORDING TO POPULATION OF COUNTY.

Table X gives the distribution by sex and color in comparison with the population:

TABLE X.—*Distribution by sex and color, with percentage of population.*

Color and sex.	Number feeble-minded.	Population, Jan. 1, 1917. <sup>b</sup>	Percentage of population.
Total.....	257	49,222	0.52
White.....	163	40,801	0.40
Male.....	109	20,789	0.52
Female.....	54	20,012	0.27
Colored.....	94	8,421	1.12
Male.....	49	4,320	1.13
Female.....	45	4,101	1.10

<sup>a</sup> Based on an estimate by the Bureau of the Census, Jan. 1, 1917 (see Table X).

<sup>b</sup> Estimates by the Bureau of the Census.

One of the striking facts brought out by Table X is the higher rate of feeble-mindedness among the white males as compared with that among the white females. This ratio has been found to be true in previous investigations by the Public Health Service. Of 11,622 boys and 11,217 girls examined in the schools of four States 127 boys and 78 girls were mentally defective, or 1.08 per cent of the former and 0.69 per cent of the latter.<sup>1</sup>

#### PREVALENCE AMONG CHILDREN.

In the age group from 6 to 20 years, inclusive, 192 cases of feeble-mindedness were found in the schools, the almshouse, and the homes. The population for this group was estimated to be 15,840 on July 1, 1917.<sup>2</sup> The percentage of feeble-mindedness in this group was therefore 1.21. As every effort was made to locate cases in persons under 21, the above percentage may be considered fairly accurate.

#### AGE DISTRIBUTION OF WHITE MENTAL DEFECTIVES.

The age and sex distribution of the white feeble-minded cases found in the county and the relation the cases bear to the population in specified age groups are as shown in Table XI:

TABLE XI.—*Age and sex distribution of white feeble-minded cases and of general population, with percentage of population that feeble-minded constitute.*

Sex and age.	General population. <sup>a</sup>		White feeble-minded cases.	Per cent of population that feeble-minded constitute.
	Number.	Per cent distribution.		
<b>Male</b> .....	20,404	100.00	109	0.53
Under 1 year.....	415	2.02	.....	.....
1 to 4 years.....	1,444	7.05	1	0.07
5 to 17 years.....	5,599	27.32	67	1.19
18 to 20 years.....	1,197	5.84	15	1.25
21 years and more.....	11,839	57.77	26	0.22
<b>Female</b> .....	19,984	100.00	54	0.27
Under 1 year.....	374	1.87	.....	.....
1 to 4 years.....	1,320	7.61	2	0.13
5 to 17 years.....	5,073	25.38	35	0.69
18 to 20 years.....	1,096	5.49	8	0.73
21 years and more.....	11,921	59.65	12	0.10

<sup>a</sup> Estimated as of Apr. 15, 1917 (based on 1910 census).

It will be observed in Table XI that in the general population the percentage of feeble-mindedness among the males is greater than that among the females. Between the ages of 5 and 20 years the percentage of feeble-minded males is twice that of the females and corresponds with the percentages obtained in the school survey.

<sup>1</sup> Porter County, Ind., Frederick County, Md., Arkansas generally, and Nassau County, N. Y.

<sup>2</sup> Estimate by the Bureau of the Census.



It will be observed that 102 of the 143 cases fall within the ages 5 to 17. The comparatively low rates noted in the lowest age periods are due in part to the difficulty in diagnosing mental deficiency in the very young. Such diagnosis is often less difficult where an organic defect is present, and, therefore, attention must be paid to such defects during the examination. On the other hand, malnutrition and disease in the very young child may arrest mental development temporarily. In many of these cases there is no method by which the eventual mental outcome can be determined.

Because of the higher mortality among the feeble-minded<sup>1</sup> and because no effort was made to locate all such cases among adults, the rates in the 18 to 20 and adult age groups, both sexes being considered together, are also lower than those in the intermediate groups. Of the 163 white feeble-minded cases found in the county, 38 were 21 or more years of age. These 38 cases, or 23 per cent of the total white feeble-minded cases, were found in a population of persons 21 years old or more estimated to number 23,760 persons, or 59 per cent of the total white population.

**PREVALENCE OF MENTAL DEFECT IN CHILDREN OF GENERAL POPULATION, ESTIMATED FROM PREVALENCE IN SCHOOLS.**

Since in this investigation a systematic attempt was made to locate all feeble-minded children, it has been possible to secure an idea of the accuracy of estimating the prevalence of feeble-mindedness among all children from the prevalence among inspected school children.

In a general white population 122 feeble-minded children from 5 to 20 years, inclusive, were found. As the total white population at these ages was 12,965, 0.94 per cent of this number were feeble-minded. It will be found that this corresponds very nearly to the result obtained in regard to children actually in school—0.95 per cent, excluding placed-out children. In other words, an inspection in schools of 14.8 per cent of the total white population gave the same results as an inspection of all children in the general population suspected of being mentally defective.

The conclusion may be drawn that the percentage of white feeble-minded determined by actual inspection of a large number of school children may be taken as an index of the prevalence of mental defectives in the white general population between the ages of 5 and 20 years, inclusive.

In the case of colored school children, the small number inspected and the few feeble-minded cases found make it impossible to estimate the number in the general population from 5 to 20 years.

<sup>1</sup> See p. 40.

**RELATION BETWEEN PREVALENCE OF FEEBLE-MINDED IN SCHOOLS  
AND IN GENERAL POPULATION.**

There is also a fairly constant relation between the prevalence of feeble-mindedness in the whole population and that in the schools. If the mortality among feeble-minded and normal-minded were the same, the rate in the general population would be about the same as that in the school population, since feeble-mindedness is either inherited or acquired in early childhood, and since a person who is feeble-minded never recovers from the condition. However, the mortality rate among feeble-minded is higher than among normal-minded. This is probably due to failure to understand the principles of personal hygiene, to irregular employment, improvidence, and bad housing, and to the constitutional inferiority and physical disorders which are associated with mental defects. How much higher the death rates among feeble-minded at the different ages are than those among normal-minded is not ascertainable.

The data secured in this study were not of a nature permitting an estimate of the relationship just pointed out between school and general population feeble-minded rates, since no effort was made to locate all feeble-minded cases in the adult population. All that can be shown is the lowest probable rate in the general population when there is a certain rate in the schools. This estimate must again be limited to the white population, since so few colored children were inspected.

As above indicated, no estimate of the number of adult cases of feeble-mindedness can be made. It is evident, however, that there were more than enough to bring the rate up to one-half that found in the schools, 0.48 per cent, since it is 0.40 per cent when only the known cases are considered.<sup>1</sup> It has already been shown that 0.95 per cent of the white school children, excluding those placed out from outside the county, were feeble-minded. It may, therefore, be concluded that where a large number of school children are examined the rate in the general white population will be at least half that in the white school population.

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<sup>1</sup> There were found 163 white mental defectives, and the census estimate of the white population on Jan. 1, 1917, was 40,801, giving a feeble-minded rate of 0.40 per cent.

## **SECTION II.**

# **SOCIAL STUDY OF MENTALLY DEFECTIVE CHILDREN.**

## **CHAPTER I. GENERAL CONSIDERATIONS.**

### **SCOPE OF STUDY.**

In the course of the mental examination of children in the schools of the county, the Public Health Service diagnosed 96 children as mentally defective. They found 4 more mentally defective children as a result of examinations of almshouse inmates. The general survey made by the Children's Bureau resulted in the location of 92 additional children 6 to 20 years of age, inclusive, who, on examination by the Public Health Service, were found to be feeble-minded. Information concerning home conditions and personal histories of these 192 children was secured by the Children's Bureau, visits to the homes of the children being supplemented by school records and by interviews with persons having special knowledge of the children or the families. The Public Health Service furnished diagnoses of the mentality of persons under 6 or over 20 years of age who were related to the children included in the study, and whose histories, therefore, aided in the interpretation of the hereditary and social factors affecting the children studied. The points covered in the social study included economic status and character of the family; family history; physical condition and developmental history of the mentally defective child; personal characteristics; school history and attainments; occupational history and economic efficiency; social reactions, including delinquencies and other antisocial tendencies; ability of the family to care for and safeguard the defective individual; and the need for public care and protection.

Data regarding mental defectives under 21 years of age do not give an adequate picture of the problem of mental defect as related to dependency, delinquency, immorality, and other social manifestations. It must be borne in mind that statements as to dependency and delinquency are representative only for the group studied, and would be a considerable underestimate if applied to the whole number of feeble-minded in the community. Mental defectives become more serious problems as they reach the years of adult life. As family ties are broken, they are likely to become public dependents, and as parental control is weakened, those who have delinquent tendencies or who are incapable of protecting themselves against aggression become more of a menace to society. Mentally defective children are more amenable to training and discipline, and it is with this group that the best results from constructive work can be obtained.

## THE PROBLEM A RURAL ONE.

All but 3 per cent of the population of Sussex County is classed by the United States Census as rural. Environmental conditions vary, however, according to the degree of isolation, and may be differentiated into three groups: Farm districts, small settlements, and towns. As towns are included places having a population over 500; those with a population of from 50 to 500 are classed as small settlements.

The distribution of the mentally defective children included in this study showed 73 per cent living in farm districts, as compared with 60 per cent of the general population in similar localities. Five per cent of the mentally defective children lived in small settlements and 20 per cent in towns, while of the general population 14 per cent lived in small settlements and 26 per cent in towns. The remaining 2 per cent were in the almshouse at the time of the investigation.

TABLE XII.—Place of residence of mentally defective children and of general population 16 years of age and over.

Place of residence.	Mentally defective children 6 to 20 years of age. <sup>a</sup>		Population 16 years of age and over in 1910. <sup>b</sup>	
	Number.	Per cent.	Number.	Per cent.
Total.....	192	100.0	46,413	100.0
Farms.....	140	72.9	26,007	60.3
Small settlements.....	19	5.2	6,444	12.9
Towns.....	38	19.8	11,962	25.8
Almshouse.....	4	2.1	(c)	(c)

<sup>a</sup> Includes 1 child aged 20 years and 11 months and considered 21 by the Public Health Service.

<sup>b</sup> The Rand-McNally Indexed County and Township Pocket Map of Delaware. White and colored were not shown separately.

<sup>c</sup> There were 25 almshouse inmates, forming one-tenth of 1 per cent of population of county.

## COLOR, AGE, AND SEX DISTRIBUTION OF CHILDREN STUDIED.

The 192 mentally defective children were distributed by color, sex, and age as shown in Table XIII:

TABLE XIII.—Color, age, and sex of mentally defective children.

Color and age.	Mentally defective children 6 to 20 years of age.		
	Total.	Boys.	Girls.
Total.....	192	120	72
White.....	123	83	40
6 to 9.....	16	11	5
10 to 13.....	44	29	15
14 to 17.....	42	27	15
18 to 20.....	21	16	5
Colored.....	69	37	32
6 to 9.....	4	3	1
10 to 13.....	24	15	9
14 to 17.....	31	12	19
18 to 20.....	10	7	3

The census reports do not include figures for white and colored separately for the age group studied. Figures for the total population of the county show 83 per cent white and 17 per cent colored, while of the mental defectives 64 per cent were white and 36 per cent were colored. Boys comprised 63 per cent of the total and girls 37 per cent. The color and sex distribution has been discussed in Chapter V of Section I.<sup>1</sup>

Of the mentally defective children studied, 46 per cent were under 14 years of age. The range of years included in the study, 6 to 20, inclusive, may be divided into two groups—the 8 years from 10 to 17, inclusive, comprising 73 per cent of all the children, and the 7 years under 10 and over 17, comprising 27 per cent. The reasons for the large proportion in the intermediate group were considered on page 39.

**NATIVITY AND LENGTH OF RESIDENCE ON PENINSULA AND IN COUNTY.**

Analysis of the place of birth and length of residence in the region shows that in Sussex County the problem of mental defect is almost entirely indigenous to the county and the Delmarvia Peninsula. All the children were born in the United States, 181 of the 192 studied having been born on the peninsula, 158 of them in Sussex County, 6 in other counties of Delaware, and 17 on the peninsula outside Delaware. Only 11 were born in other parts of the United States, and they were all children who had been placed in Sussex County by home-finding societies. These children had been brought from New York, Pennsylvania, and New Jersey. They constituted almost 6 per cent of all the mentally defective children included in the study.

TABLE XIV.—*Place of birth.*

Place of birth.	Mentally defective children 6 to 20 years of age.		
	Total.	White.	Colored.
Total.....	192	123	69
Sussex County.....	158	100	58
Other counties in Delaware.....	6	4	2
Peninsula outside Delaware.....	17	9	8
United States outside peninsula.....	11	10	1

The data as to length of residence on the peninsula and in the county indicate a very static condition, with practically no shifting from one environment to another of a different nature. The few families who had been out of the county at any time previous to the investigation had moved back and forth across its boundaries, remaining on the peninsula. All but 10 of the white and 1 of the colored children had always lived on the peninsula.

<sup>1</sup> See p. 37.

TABLE XV.—*Length of residence on the peninsula.*

Length of residence on the peninsula.	Mentally defective children 6 to 20 years of age.		
	Total.	White.	Colored.
Total.....	192	123	69
Always.....	181	113	68
10 years and over.....	3	2	1
5 to 9 years.....	4	4	—
Less than 5 years.....	4	4	—

Ninety-eight of the 123 white children and 56 of the 69 colored had always lived in Sussex County.

TABLE XVI.—*Length of residence in Sussex County.*

Length of residence in Sussex County.	Mentally defective children 6 to 20 years of age.		
	Total.	White.	Colored.
Total.....	192	123	69
Always.....	154	98	56
10 years and over.....	9	3	6
5 to 9 years.....	19	13	6
Less than 5 years.....	9	8	1
Not reported.....	1	1	—

The locality studied represented a strictly rural, native-American population, with little admixture of new elements even from other sections of the peninsula of which the county forms a part. The problem of mental defect was not complicated by such factors as prevail in a section affected by the tides of immigration.

#### MENTALITY AND PHYSICAL CONDITION OF CHILDREN STUDIED.

The problems involved in the care of mentally defective children differ with the degree of their mental defect and their physical condition. In considering the circumstances under which the mentally defective live, and the adequacy or inadequacy of the care they receive, the types of cases must be borne in mind.

Fourteen per cent of the children studied were unable by reason of their very low mentality or because of physical handicaps to attend to their own personal wants. This type of defective presents problems of physical and medical care which are very difficult to meet, unless the family is in comfortable circumstances and can afford to hire an attendant or to devote practically the entire time of one member of the family to the care of the defective child. In contrast to this type is the higher grade defective who can attend to his personal wants and can sometimes be taught to be partially

self-supporting, but who requires industrial training and supervision, and whose energies need direction into social and away from antisocial channels.

Table XVII gives the degree of mental defect, the capacity for self-help, and the physical condition of the children studied. The children diagnosed as idiots or imbeciles were classified as low grade. Children were classed as incapable of self-help if they were unable to dress themselves or to attend to other personal wants. No defects were included as serious unless they constituted pronounced handicaps.

TABLE XVII.—Capacity for self-help, grade of defect, and physical condition of children studied.

Physical condition.	Mentally defective children 6 to 20 years of age.								
	Total.	Capacity for self-help.		Idiots and imbeciles.			Other feeble-minded.		
		Good.	Poor.	Total.	Capable of self-help.	Not capable of self-help.	Total.	Capable of self-help.	Not capable of self-help.
Total.....	192	165	27	40	20	20	152	145	7
No serious physical disability.....	127	126	1	11	10	1	116	116	.....
Serious physical disability.....	65	39	26	29	10	19	36	29	7
Absolutely helpless.....	5	.....	5	5	.....	5	.....	.....	.....
Crippled or paralyzed <sup>a</sup> .....	18	9	9	9	4	5	9	5	4
Epileptic <sup>b</sup> .....	10	6	4	3	1	2	7	5	2
Defective vision, hearing, or speech.....	25	17	8	12	5	7	13	12	1
Other.....	7	7	.....	.....	.....	.....	7	7	.....

<sup>a</sup> Including 5 also epileptic, and 11 also having defective vision, hearing, or speech.  
<sup>b</sup> Including 4 also having defective vision, hearing, or speech.

The 40 mentally low-grade children constituted 21 per cent of the total. Twenty of the low-grade cases were absolutely helpless or so handicapped that they required constant care. Serious physical disabilities existed in 29 cases. Seven of the 152 high-grade cases were incapable of self-help because of physical handicaps, making a total of 27, or 14 per cent of the children studied, who presented serious problems of physical care. The other 86 per cent represented various degrees of ability to care for themselves and to help in the household or on the farm. However, 39 of these children were badly handicapped by physical defects.

Physical disabilities classed as serious existed in 34 per cent of the cases. Often there was a combination of two or more physical defects. Nearly two-fifths of the 127 children who had no serious physical disabilities had minor defects, usually of vision, hearing, or speech.

The high-grade cases who were able to help themselves and had no physical handicaps constituted 60 per cent of the total number. These 116 children represented the greatest possibilities of training as well as the most serious problems of conduct.

#### TYPES OF HOMES IN WHICH THE CHILDREN LIVED.

A considerable number of mentally defective children were living in other than their parental homes. Only 150, or 78 per cent, were with their own families, 22 per cent being cared for in other ways. Relatives other than parents cared for 10 children, and foster parents cared for 27. Four children were in the county almshouse, and a girl 19 years of age had no home, but lived illicitly with different men. Only one of the mental defectives under 21 years of age had married, and she had left her husband and returned to her parents.

TABLE XVIII.—Types of homes in which mentally defective children lived, according to color, age, and sex of children.

Color and age.	Mentally defective children 6 to 20 years of age.														
	Total.			Living in—											
				Parental homes.			Relatives' homes.			Foster homes.			Other.		
	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.
Total.....	193	128	72	180	91	59	10	5	5	27	21	6	25	2	2
White.....	123	83	40	99	64	25	4	2	1	18	14	4	2	2	...
6 to 9.....	16	11	5	15	10	5	...	...	...	1	1	...	...	...	...
10 to 13.....	44	29	15	37	25	12	2	1	1	5	3	2	...	...	...
14 to 17.....	42	27	15	31	17	14	2	2	...	6	7	1	1	1	1
18 to 20.....	21	16	5	16	12	4	...	...	...	4	3	1	1	1	...
Colored.....	69	37	32	51	27	24	6	2	4	9	7	2	3	1	2
6 to 9.....	4	3	1	3	2	1	...	...	...	...	...	...	1	1	...
10 to 13.....	24	15	9	20	13	7	3	1	2	1	1	...	...	...	...
14 to 17.....	31	12	19	22	7	15	3	1	2	6	4	2	...	...	...
18 to 20.....	10	7	3	6	5	1	...	...	...	2	2	...	2	...	2

\* Includes 4 in almshouse and 1 having no home.

A larger proportion of white children than of colored were living in their parental homes—80 per cent of the white to 74 per cent of the colored. Of the boys 76 per cent and of the girls 82 per cent were in the homes of their parents. Only 2 of the 20 children under 10 years of age were living in other than their parental homes. One of them was in a foster home, and one in the almshouse. Sixteen per cent of the children 10 to 13 years of age were cared for by others than their parents. Twenty-eight per cent of those 14 years of age and over were in foster homes, in the homes of relatives, in the almshouse, or, in one case, had no home.



All but 8 of the 190 children living in their parental homes were legitimate. Almost one-third of those cared for by others than their parents, 13 out of 42, were of illegitimate birth. One child in a foster home was a foundling. Illegitimate children constituted 11 per cent of the total number studied. Most of these children, 17 out of 21, were colored.

TABLE XIX.—*Types of homes according to legitimacy or illegitimacy of birth.*

Legitimacy or illegitimacy.	Mentally defective children 6 to 20 years of age.				
	Total.	Type of home.			
		Parental.	Relatives.	Foster.	Other.
Total.....	192	150	10	27	5
White.....	123	99	4	18	2
Legitimate.....	116	97	3	16	2
Illegitimate.....	4	2	1	1	
Foundling.....	1			1	
Colored.....	69	51	6	9	2
Legitimate.....	52	45	2	5	
Illegitimate.....	17	6	4	4	2

The 42 mentally defective children studied who were cared for by relatives other than parents, or who lived in foster homes, in the almshouse, or were without a home, were less likely than children in their parental homes to receive for an indefinite period of time the care made necessary by their condition. The burden imposed by mental defectives on those having the responsibility for them is usually so heavy that the strongest ties are needed to insure the patient care, guidance, and supervision required. Only 4 of the children not in their parental homes were classed as incapable of self-help, and 2 of these were being cared for in the almshouse. The children credited with ability for self-help included a considerable number who were giving a great deal of difficulty, and who needed much attention. It is probable that many of these children who were cared for outside their own families will sooner or later become dependent upon the public for support, as are those now in the almshouse.

## CHAPTER II. ADEQUACY OF CARE GIVEN MENTALLY DEFECTIVE CHILDREN LIVING IN THEIR PARENTAL HOMES.

### PARENTAL CONDITION.

The adequacy of the care given mentally defective children in their parental homes depends primarily upon whether or not both parents are present in the home. One hundred and fifty children included in this study were living in their parental homes. Both parents were living and at home in 84 per cent of these cases. In 16 per cent there were abnormal conditions in the home on account of the death, desertion, or permanent absence for other reasons of one parent. The parental condition was considered normal even though one parent was dead, if there was a step-parent.

TABLE XX.—*Parental condition.*

Parental condition.	Mentally defective children 6 to 20 years of age living in their parental homes.		
	Total.	White.	Colored.
Total.....	150	99	51
Both parents present in the home.....	126	85	41
Father dead.....	9	6	3
Mother dead.....	6	5	1
Father deserted.....	4	2	2
Mother deserted.....	4	1	3
Mother never married.....	1	.....	1

Abnormal conditions due to absence from the home of one parent were found in 14 per cent of the white cases and 20 per cent of the colored. The father was absent (dead or deserted) from the home in 13 cases—8 white and 5 colored. Ten other children, 6 white and 4 colored, lacked the care of the mother.

The total number of households represented by the 150 children living in their parental homes was 116, 81 white and 35 colored. In 73 of these white families the fathers provided for the family; in 3, the mothers; in 4, brothers of the defective child; and 1 was supported by charitable aid. In the colored families the maintenance was provided in 30 cases by the fathers, in 4 by the mothers, and in 1 by a brother.

TABLE XXI.—*Heads of families of mentally defective children living in their parental homes.*

Head of family.	Families of mentally defective children, 6 to 20 years of age, living in their parental homes.			Mentally defective children, 6 to 20 years of age, living in their parental homes.		
	Total.	White.	Colored.	Total.	White.	Colored.
Total.....	116	81	35	150	99	51
Father head of family.....	103	a 73	b 30	136	91	45
Mother head of family.....	7	3	4	8	3	5
Brother head of family.....	5	4	1	5	4	1
Other head of family.....	1	c 1	.....	1	1	.....

a Includes 1 family with 2 defective children, stepfather head.

b Includes 3 families with 4 defective children, stepfathers heads.

c Stepfather deserted; grandmother head of family; no one working; neighbors supporting.

ECONOMIC STATUS OF FAMILY.

Occupation of father.

The best index of economic status is afforded by the occupation of the head of the family. In Sussex County agriculture is the main industry, and income can not usually be stated in terms of money. The status of a family living on a farm is mainly determined by the form of tenure of the farm—whether it is owned, rented on a cash basis, or worked on shares.

TABLE XXII.—Occupations of fathers of mentally defective children living in their parental homes.

Occupation of father.	Families of mentally defective children, 6 to 20 years of age, whose fathers were the heads of the families.			Mentally defective children 6 to 20 years of age, whose fathers were the heads of the families.		
	Total.	White.	Colored.	Total.	White.	Colored.
Total.....	103	73	30	136	91	45
Father had no occupation.....	1	1	.....	1	1	.....
Father engaged in agricultural pursuits....	80	54	26	111	72	39
Father farm owner—retired.....	3	3	.....	4	4	.....
Father farm owner.....	20	16	4	22	18	4
Father farm renter.....	2	2	.....	2	2	.....
Father share tenant.....	40	27	13	53	35	18
Father farm laborer.....	14	5	9	29	12	17
Father engaged in farming of type not reported.....	1	1	.....	1	1	.....
Father engaged in other occupation.....	22	18	4	24	18	6

\* Includes 4 stepfathers: 1 white (2 children), 3 colored (4 children).

Of the 73 white fathers reported as being the heads of their families, 54 made their living by agricultural pursuits, 3 of them as retired farm owners, 16 working their own farms, 2 as cash renters, 27 as share tenants, 5 as farm laborers, and 1, type of farming not reported. The low economic status of the white families in which the breadwinners were engaged in agriculture was indicated by the small number of farm owners. In almost two-thirds of these families the fathers were tenants or farm laborers. A still greater proportion of the colored fathers, 26 out of 30, made their living by farm work; all but 4 of them were share tenants or farm laborers. Several of those engaged in farming did other kinds of work part of the time.

Eighteen white and 4 colored fathers made their living by occupations other than farming, such as seafaring, fishing, carpentry, unskilled labor of various types, and other miscellaneous employments. One-half were in low-grade occupations.

Three-fourths of the 136 mentally defective children whose fathers were the breadwinners were in families of low economic status, the fathers being engaged in tenant farming or in low-grade occupations.

**Employment of mother.**

Seven mothers, 3 white and 4 colored, having 8 mentally defective children included in the study, were reported as being the heads of their families. One of these white mothers had sufficient income to support her family without engaging in gainful work. Another owned a farm which she cultivated with the aid of two young sons. The third white mother added to a small income from a pension by washing and ironing away from home; her two daughters helped her. Three of the colored mothers did daywork, washing, and cleaning. One of them had the help of three young daughters, and another had two sons who assisted in the support of the family. The third mother had been deserted by her husband six years before, and was dependent entirely upon her own earnings at housework. She was compelled to be away from home all day, leaving her four children, the oldest a mentally defective girl of 14, to take care of themselves. The fourth colored mother who was the head of her family worked a farm on the share-tenant basis with the aid of her 16-year-old son.

Twenty-four mothers who were not the heads of their families had found it necessary to engage in gainful work. These, with the 6 mothers who were heads of their households and gainfully employed, constituted a total of 30 of the 116 mothers of mentally defective children living in their parental homes who were gainfully employed. Fourteen of these mothers were white and 16 colored. The majority of the mothers were engaged in daywork away from home or in gainful employment at home, usually as laundresses.

TABLE XXIII.—*Employment of mothers of mentally defective children living in their parental homes.*

Employment of mother.	Families of mentally defective children 6 to 20 years of age living in their parental homes.			Mentally defective children 6 to 20 years of age living in their parental homes.		
	Total.	White.	Colored.	Total.	White.	Colored.
Total.....	116	81	35	150	99	51
Mother not gainfully employed.....	78	62	16	98	76	22
Mother gainfully employed.....	30	14	16	42	17	25
Mother employed at daywork, whole time.....	2		2	2		2
Mother employed at daywork, part time.....	15	5	10	27	8	19
Mother employed at home work.....	7	4	3	7	4	3
Mother employed at other work.....	6	5	1	6	5	1
Mother dead or deserting.....	8	5	3	10	6	4

There were 42 children in the families of mothers who were gainfully employed. The mothers of over one-sixth of the white and almost one-half the colored mentally defective children living in their parental homes were engaged in gainful work. It is significant

of the economic conditions of this county that, considering white and colored children together, more than one-fourth of those living in their parental homes had mothers who were unable to give much attention to the care and supervision of their children, because forced to engage in gainful work.

#### Families dependent upon others than parents.

In 4 of the white and 1 of the colored families the fathers of which had died or deserted, a brother of the defective child was the principal breadwinner. One, a 19-year-old boy, earned the entire family income as a farmer's helper. Another boy of the same age worked a farm with the assistance of his 15-year-old brother. In 2 other families, 1 white and 1 colored, older sons worked the farms alone or with the assistance of younger boys. One family was maintained by 2 sons, who were tenant farmers and also helped on other farms.

A 70-year-old grandmother took the responsibility for a household which included an imbecile girl and her imbecile mother. The mother did daywork occasionally, but was very inefficient. The family was practically dependent on the assistance of neighbors and relatives.

#### Income of family.

Information in regard to income could be secured in most cases only according to a general standard of adequacy. No effort was made to state this in terms of money, but the family incomes were classified as "high," "adequate," "inadequate," and "very low." This classification was based largely on the obvious standard of comfort maintained by the family.

TABLE XXIV.—*Incomes of families of mentally defective children living in their parental homes.*

Family income.	Families of mentally defective children 6 to 20 years of age living in their parental homes.			Mentally defective children 6 to 20 years of age living in their parental homes.		
	Total.	White.	Colored.	Total.	White.	Colored.
Total.....	116	81	35	150	99	51
Family income high.....	4	4	.....	5	5	.....
Family income adequate.....	47	36	11	56	41	15
Family income inadequate.....	46	32	14	59	42	17
Family income very low.....	19	9	10	30	11	19

The majority of the families of these mentally defective children had incomes classified as inadequate or very low. The parents of 54 per cent of the white children and 71 per cent of the colored had insufficient means to provide adequately for their families. The burden of the defective children, some of whom were incapable of self-help, and few of whom could ever hope to become self-supporting,

was especially heavy under such circumstances. Although a few of these families were providing fairly well for their defective children, they were doing so with difficulty, and their poor economic condition made the future uncertain.

#### SOCIAL AND INTELLECTUAL STATUS OF FAMILY.

##### Housing conditions.

In Sussex County the usual type of dwelling among families of moderate or low incomes is a one-family frame house without a cellar or inside conveniences. Foundations in many instances consist of low brick piers located at the corners of the structure, supporting the flooring at a distance of about 18 inches from the ground. The surrounding yard, especially among the humbler homes, is oftenest a stretch of bare soil neatly swept. The toilets are chiefly surface privies, located not far from the houses. Many homes in the more remote sections have no toilets of any sort. The water supply is usually derived from a shallow driven well, easily constructed in the sandy soil. Because of the character of the soil, sanitary drainage is difficult.

Measured by housing standards usually adopted, overcrowding did not exist to any serious extent in the homes of the white families studied. In the homes of only four of the white children were there more than two persons to each room. In these cases there were 11 persons living in five rooms. The housing of the colored families, on the other hand, presented serious problems of congestion—18 of the 51 colored children were in homes in which there were more than 2 persons to a room; 2 families, having 2 defective children each, lived in three-room houses, though there were in each case 8 persons in the family group; 5 families, 1 having 2 defective children, lived in four-room houses, there being 9 persons in each family; 1 family of 10 lived in two rooms, and another family of the same size, having 2 defective children, occupied three rooms; 4 defective children, belonging to the same family, lived in a four-room house, the family group comprising 10 members. Another defective child was one of a family of 12 living in a four-room house.

A comparison of the number of rooms and the number of persons in the family does not give a correct picture of conditions in many cases. In the winter especially, because of the scarcity of fuel, the family herds together in two or three rooms that can be heated. Many of the homes are of flimsy construction and do not give adequate protection from the elements. In many cases the defective child shares his bed with some other member of the family. Especially in the case of low-grade children, or children having bad personal habits, the presence of the feeble-minded child in the overcrowded home is a detrimental influence to the other children, and the defective himself can not receive the care most conducive to his well-being.

Ten of the white and 14 of the colored children lived in houses which were in notably bad repair. An index of bad sanitary conditions was the absence of toilets of any kind in connection with the homes of 19 children. About one-fourth of the children were living in homes which were clean and well kept. The other three-fourths were living under conditions of cleanliness and sanitation ranging from fair to bad. Some of the bad living conditions are illustrated by the following descriptions:

A family of 11 lived in a two-story frame house of five rooms. There was no toilet on the premises. Water was obtained from a driven well in the yard. The barnyard was near the house. The house was in very bad repair; the plastering had peeled off, and cracks let in the cold; the house was very dirty, and the living conditions were wretched. The farm was rented on shares and yielded a very small income. The nearest store was 8 miles away, and the school 2 miles distant. The parents were very poor and ignorant. Two children were feeble-minded.

A one-story frame shanty of rough boards, comprising three rooms, housed a family of eight. The cracks were so large that it was possible to see through them from one room to another. The house was dirty and disorderly. The mother and two children were feeble-minded.

A four-room house was occupied by a family of 10. The house was in bad repair and very dirty. No toilet was provided. There were holes in the floor and parts of the walls were covered with newspapers. The only beds were piles of rags, and there were no chairs. The whole family, with the exception of 2 children too young to be diagnosed, were feeble-minded.

A family of four lived in an old two-story house that was in very bad repair. There were three rooms downstairs and one upstairs. The plastering had fallen off the walls in places. The house was dirty and disorderly. Water was obtained from a well in the yard. There was no toilet. All the members of the family were feeble-minded.

A shabby two-story frame house with six rooms housed a family of 11. The mother was a poor manager, and the house was very dirty. Two girls were feeble-minded. The mother was stupid, easy-going, and almost childish, and depended mainly upon one of her feeble-minded daughters for help about the house. The family was poor and lived on an isolated farm.

#### **Mentality and character of parents.**

In a small proportion of the families studied diagnoses of the mentality of parents were made by the Public Health Service, in cases where the children were examined in their own homes instead of in the schools. In seven families, having 13 mentally defective children included in the study, one or both parents were feeble-minded. In these families the conditions in the homes were most unfavorable,

because of the inability of the parents to give the children proper care. In one of the seven families the father was feeble-minded, in four, the mother; and in two, both parents.

Parents reported as weak-minded and those who were obviously illiterate or very ignorant were classified as "illiterate or ignorant." In 28 families, 18 white and 10 colored, one or both parents were so described. These 28 families had 47 children included in the study—29 white and 18 colored. In 19 families both parents were illiterate or ignorant.

TABLE XXV.—*Mentality of parents of mentally defective children living in their parental homes.*

Mentality of parents, <sup>a</sup>	Families of mentally defective children 6 to 20 years of age living in their parental homes.			Mentally defective children 6 to 20 years of age living in their parental homes.		
	Total	White.	Colored.	Total	White.	Colored.
Total.....	116	81	35	150	99	51
Parents normal mentally.....	b 81	60	21	b 90	66	24
Parents not normal mentally.....	35	21	14	60	33	27
One parent illiterate or ignorant.....	c 9	5	4	c 14	7	7
Both parents illiterate or ignorant.....	19	13	6	35	22	13
One parent feeble-minded.....	c 5	2	3	c 7	2	5
Both parents feeble-minded.....	2	1	1	6	2	4

<sup>a</sup> Or parent and step-parent.

<sup>b</sup> Including 17 families, 18 children—1 parent dead or deserting.

<sup>c</sup> Including 2 families, 3 children—1 parent dead or deserting.

The feeble-mindedness or ignorance of the parents was accompanied in 14 families by drunkenness, immorality, or neglect or abuse of children. Five of these families, including 8 feeble-minded children, were white; 9 families, including 19 children, were colored. The mentally defective children having parents who were feeble-minded, illiterate, or ignorant constituted 40 per cent of those living in their parental homes. In 4 families, having one defective child each, the parents were normal mentally, but were alcoholic, immoral, or otherwise of poor reputation.

#### CHARACTERISTICS OF MENTALLY DEFECTIVE CHILDREN.

Mental or physical handicaps so serious as to make the children incapable of self-help existed in the cases of 23 children living in their parental homes. The situation was further aggravated by the inadequacy of the income in the families of 13 of these children. In 3 of these cases the poverty was extreme. The care required by these helpless children was such as to tax the family resources to the utmost.

A factor of the greatest importance in considering the adequacy of the care that can be given mentally defective children in their own homes is the amenability of the child to parental discipline. Children who are handicapped by defective mentality frequently demand, because of their lack of judgment and self-control, more careful



guidance and supervision than the average child of normal mentality. Some defective children, because of their violent tempers, uncontrolled impulses, or their tendencies toward brutality or destructiveness, present particularly serious problems of conduct. These children require closer supervision than can be given in most family homes.

Of the 150 children living in their parental homes, 18 had exhibited marked tendencies toward delinquency or waywardness, or had proved to be vicious or ungovernable. Only 4 of these children were in good homes. The other 14 were living under conditions which tended to increase rather than to correct their antisocial tendencies.

### CHILDREN IN SPECIAL NEED OF CARE.

The factors resulting in home conditions which are favorable or unfavorable to the proper care in their own homes of mentally defective children may be classified as follows: Economic status of the family; housing and sanitation; intelligence and character of parents; and the supervision the parents exercise over their children. This does not take into consideration the complications arising from bad physical conditions or delinquent tendencies of the defective children themselves. Neither are general environmental factors, such as isolation, taken into account. In classifying the homes special effort was made to be conservative, and where there was any question, to give the home the benefit of the doubt.

A home was classified as unfavorable if one or more of the factors affecting home life were detrimental. Homes were not classed as unfavorable because of poverty alone unless the income was so low as to make decent living impossible. If both extreme poverty and some other bad condition existed, the other condition was preferred in making the classification as being the more detrimental. If insanitary conditions existed in combination with ignorance or bad character of parents, the home was classified as unfavorable because of ignorance or bad character rather than by reason of insanitary conditions.

TABLE XXVI.—*Home conditions of mentally defective children living in their parental homes.*

Home conditions.	Mentally defective children 6 to 20 years of age living in their parental homes.		
	Total.	White.	Colored.
Total.....	150	99	51
Favorable.....	71	53	18
Unfavorable.....	79	46	33
Inadequate supervision.....	6	4	2
Extreme poverty.....	2	2	
Insanitary conditions.....	7	5	2
Low mentality of parents.....	33	26	8
Low mentality and bad character of parents.....	27	8	19
Bad character of parents.....	4	2	2

Fifty-three per cent of the children in their parental homes were living under unfavorable conditions. The percentage was higher for the colored than for the white, 65 per cent for the former and 46 per cent for the latter. In four-fifths of the cases in which the homes were classified as unfavorable the reasons for this classification were the feeble-mindedness, illiteracy, or ignorance of the parents, combined in a large number of cases with drunkenness and immorality. Extreme poverty with no other detrimental conditions was found in the homes of only 2 children.

Fifteen of the 71 children living in favorable homes were found to be so handicapped mentally and physically that they were incapable of self-help. Three of them constituted such a drain upon their families, whose incomes were inadequate, as to make some other provision for their care necessary. Four of the children living under favorable home conditions were delinquent or uncontrollable and in need of a stronger discipline than was being given by their parents.

Eight children who were physically helpless lived in homes classed as unfavorable. These children were not receiving the care required by their condition, and were in urgent need of custodial care. The 14 ungovernable children in unfavorable homes were doubly in need of protection.

A total of 86 children living in their parental homes, 57 per cent of all children so cared for, were in special need of care by reason of bad home conditions, or because of their own delinquent tendencies or physical disabilities. Of these 86 children, 79 lived in homes classified as unfavorable, 14 of them being also delinquent or uncontrollable. Four children lived in favorable homes, but were delinquent or uncontrollable, and 3 others living in favorable homes imposed too heavy burdens on their families because of their helpless condition. Over half the 86 children in special need of care lived under such detrimental conditions that immediate provision for them outside of their own homes was imperative. The following brief summaries indicate the urgency of their needs:

#### WHITE:

Imbecile girl 13 years of age. Serious defects of vision and speech. Unable to care for self. Family income inadequate. Parents illiterate.

Feeble-minded<sup>1</sup> girl 15 years of age. Income of family inadequate. Parents illiterate. Child did not receive proper care.

Feeble-minded boy 6 years of age. Serious speech defect. Feeble-minded mother deserted family. Income inadequate. Father could not give child proper care.

Feeble-minded boy 11 years of age. Income of family very low. Parents ignorant and illiterate.

Imbecile girl 14 years of age. Illegitimate child of feeble-minded mother. Family dependent on aid of neighbors.

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<sup>1</sup> In these summaries "feeble-minded" refers to mental defectives above the grade of imbecile.

**WHITE—Continued.**

Two feeble-minded sisters, 14 and 18 years of age. Family income very low. Parents ignorant. Bad home conditions. Girl of 18 had had an illegitimate child.

Feeble-minded boy 12 years of age. Income of family inadequate. Mother feeble-minded. Bad home conditions.

Feeble-minded boy 11 years of age. Income of family inadequate. Father alcoholic. Mother illiterate. Poor home surroundings.

Idiot boy 8 years of age. Never talked. Incapable of self-help. Father dead. Income of family inadequate.

Imbecile boy 13 years of age. Epileptic. Serious speech defect. Mother dead. Income of family very low.

Imbecile girl 16 years of age and her feeble-minded sister 9 years of age. Income of family very low. Both parents feeble-minded. Father alcoholic. Family received charitable aid.

Four brothers and sisters: Feeble-minded and epileptic girl 18 years of age; feeble-minded girl 16 years of age; feeble-minded boy 12 years of age; feeble-minded boy 11 years of age, almost blind and having defective speech. Both parents ignorant. Mother an invalid. Home life on low plane. Income inadequate.

Idiot boy 18 years of age. Never talked. Incapable of self-help. Income of family inadequate.

Idiot girl 17 years of age. Helpless. Mother dead. Income of family very low.

Imbecile boy 15 years of age. Epileptic and crippled. Incapable of self-help. Income very low. Home conditions poor.

Feeble-minded girl 14 years of age. Income of family inadequate. Family degenerate. One sister epileptic. One sister delinquent. Father alcoholic. Parents neglected the children.

Imbecile boy 20 years of age. Crippled. Defective vision and speech. Income of family inadequate. Parents illiterate. Older brother feeble-minded.

Feeble-minded girl 13 years of age. Mother dead. Lack of supervision of feeble-minded child. Income inadequate.

Feeble-minded girl 8 years of age. Home conditions poor. Income very low.

**COLORED:**

Family with four feeble-minded children: Girl 16 years of age; boy 13 years of age; boy 12 years of age; boy 10 years of age. Income of family very low. Parents illiterate. Home conditions poor. Low-grade family.

Feeble-minded girl 17 years of age and her feeble-minded brother 11 years of age. Income of family very low. Father dead. Mother feeble-minded and immoral. Children neglected. Mother did daywork away from home. Older brother feeble-minded. Family partly dependent on charity.

Feeble-minded girl 10 years of age and her feeble-minded and crippled sister 9 years of age. Income of family very low. Mother did daywork away from home. Parents ignorant. Children poorly kept and inadequately supervised.

Feeble-minded boy 10 years of age. Crippled. Serious speech defect. Incapable of self-help. Income of family inadequate. Father alcoholic.

## COLORED—Continued.

Feeble-minded girl 14 years of age. Badly deformed. Income of family very low. Father had deserted. Mother did daywork away from home.

Feeble-minded boy 12 years of age. Illegitimate child. Feeble-minded mother was living with a man illegally. Income very low. Child neglected.

Feeble-minded girl 14 years of age. Income of family very low. Mother worked away from home all day, leaving child in charge of a blind uncle. Mother immoral. Home filthy and disorderly.

Two feeble-minded sisters, 14 and 16 years of age. Income of family inadequate. Father feeble-minded.

Feeble-minded boy 10 years of age. Income of family very low. Parents ignorant.

Feeble-minded girl 14 years of age. Income of family very low. Parents not legally married. Mother illiterate. Lack of supervision over feeble-minded girl.

Four feeble-minded brothers and sisters: Girl 20 years of age; boy 14 years of age; girl 13 years of age; boy 12 years of age. Income of family very low. Both parents feeble-minded. Children neglected. Girl of 20 immoral.

### **CHAPTER III. ADEQUACY OF CARE GIVEN MENTALLY DEFECTIVE CHILDREN NOT LIVING IN THEIR PARENTAL HOMES.**

#### **CHILDREN CARED FOR BY RELATIVES OR IN FOSTER HOMES.**

A total of 37 of the 192 children included in this investigation had been removed from their own homes and placed with other families, 27 with families not related to them, and the other 10 with relatives. All the children cared for by relatives were born in Sussex County. Twelve of the 27 placed with others than relatives had been brought into the county from other States, 3 of them having been informally placed by relatives or friends, and 9 having been placed by home-finding societies. Three children had been brought into Sussex County from other counties of the State, 2 of them having been placed by agencies, and 1 having been taken informally. Twelve of the children in foster homes belonged originally in Sussex County. Delaware agencies had placed 5 of these children, a home having been found for 1 by a child-caring society, and 4 having been bound out from the almshouse. The other 7 Sussex County children had been taken informally from relatives or friends.

Two of the 22 white children who were being cared for by relatives or in foster homes were illegitimate, and 1 was a foundling. Eight of the 15 colored children provided for in this way were illegitimate. The mothers of 4 of the illegitimate children were dead; the mother of 2 was in the almshouse; in 2 cases the mothers had married and left their illegitimate children with relatives; the mother of 1 illegitimate child was maintaining a home for her 2 other illegitimate children, but was unable to assume the care of all 3; the whereabouts of 1 mother was not reported. Both parents of 2 legitimate children were dead; in 4 cases the death of the mother, and in 6 the death of the father, had made it necessary for the child to be provided with another home. The mother of 1 child and the father of another had deserted. The parents of 3 children were separated, and the mother of 1 child was in an institution for the insane. In 5 of the remaining 8 cases no information was obtained about the parents; in 3, the parents were living together, other conditions being responsible for the child's dependency.

**Legitimate children:**

Both parents dead.....	2
Mother dead.....	4
Father dead.....	6
Mother deserted.....	1
Father deserted.....	1
Mother in institution for insane.....	1
Parents separated.....	3
Parents living together.....	3
No information regarding whereabouts of parents.....	5

Total..... 26

**Illegitimate children:**

Mother dead.....	4
Mother in almshouse.....	2
Mother married and child left with relatives.....	2
Mother maintaining home for 2 other children.....	1
Whereabouts of mother not reported.....	1

Total..... 10

Child a foundling..... 1

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Fifteen of the 22 white children living in foster or relatives' homes were on farms owned by the head of the household; 2 lived with farmers who were cash renters; 2 lived on share tenant farms; 2 in other than farm homes; in 1 case the occupation of the head of the household was not reported. Six of the 15 colored children living with relatives or in foster homes lived with farm owners; 3 lived with farmers who had retired from active work; 3 were on share tenant farms; in 2 cases the heads of the households were farm laborers; 1 lived in a town home.

Classified according to the economic conditions of the homes in which they were living, 3 white and 5 colored children were in families having high incomes. The 5 colored children were all living in white families. Sixteen white children and 6 colored, 1 of them having a white guardian, were with families having adequate incomes. Three white children and 3 colored lived in families whose incomes were inadequate, and 1 colored child lived with relatives under conditions of extreme poverty.

Thirty-two children were living in homes classified as favorable, and 5 (1 white and 4 colored) in homes classified as unfavorable. The white child living in an unfavorable home was under the care of foster parents who were uneducated, ignorant, and slovenly, though kind-hearted and trying to do well by the child. The child was a low-grade imbecile incapable of self-help. The foster parents were finding the burden of her care too great and were most anxious that some other provision be made. The four colored children were living with relatives. In two cases the homes were classified as unfavorable because of inadequate supervision; in one, because of extreme poverty; and

in one, because of the low mentality of the guardian. One of the white children living in a favorable home was incapable of self-help. It is significant that six of the colored children in foster homes were living with white families. The conditions in all these six homes were classified as favorable, but obviously the children were not taken with the intention of making them members of the family, but rather with a view to the help the children could give.

More than one-third of the mentally defective children cared for by relatives or in foster homes, 13 out of 37, were delinquent or uncontrollable. All but one of these ungovernable children were living in homes classified as favorable.

The cases studied indicated clearly that many of the families who had taken children into their homes had done so in ignorance of the existence of mental defect. The children proved to be incapable of doing the work that was expected of them in payment for their maintenance, and they were kept by the family merely out of kindness of heart or because no other solution presented itself. In nine cases the guardians were especially anxious to be relieved of the responsibility of caring for their mentally defective charges. In one of these instances the home conditions were bad, and in six cases the children were delinquent.

A total of 19 of the 37 children living with relatives or in foster homes were in special need of care. Five of these children, including one who was delinquent, and one incapable of self-help, whose guardian was unwilling to keep him longer, were living under unfavorable home conditions. Twelve other children were delinquent or uncontrollable, and in six of these cases the guardians were endeavoring to have the children removed. In two additional instances the children were in need of care because of the unwillingness of foster parents longer to provide for them.

The following case is illustrative of the difficulties often involved in caring for mentally defective children in foster homes:

A boy 11 years old was brought by an agency from another State when he was about 6 years of age and placed in a well-to-do, intelligent farmer's home where he had all the privileges of a regular member of the family. Not long after his placement, however, he began to show delinquent tendencies, proving himself to be untruthful, disobedient, untrustworthy, sulky, and malicious. His guardians had been conscientious in attempting to educate him, but in spite of fairly regular attendance at school he learned nothing. He showed such dangerous tendencies that the family was afraid of the results of his association with their own children. The guardians were nearly distracted with the boy, and they had appealed to the placing-out agent to have him removed. The boy was obviously in need of special care and training.

Two or three instances were found of children being received in unusually desirable homes with the expressed intention of giving them good educational opportunities, which mental incapacity prevented them from utilizing. The forbearance and charity of the foster families in which these defective children had been placed was an outstanding feature of the situation.

A Delaware agency placed a foundling boy in a Sussex County family when he was a little more than 3 years of age. The family intended to adopt the child, but from the very beginning he proved to be a disappointment, manifesting abnormalities that caused the family to hesitate about legal adoption. They had given him a free home under agency control, and he was 15 years of age at the time of the investigation. The boy was nervous and restless. He was untruthful, stubborn and headstrong, destructive, and cruel to animals. Quick and active about his tasks providing some one was with him to direct him, he would not work at all if not supervised. He disliked work so much that he once ran away, remaining over night, rather than do something asked of him. During a period of eight years of school attendance he had managed to reach the third grade, but was very dull and had great difficulty in doing the work. The older boys tormented him and imposed on him and took away his possessions. The boy was too cowardly to defend himself or take the offensive. The guardians realized his condition and were very anxious that some other provision be made for his care.

A boy of 15 was placed five years ago by an agency of another State with a family, the head of which was a man who himself had been brought up outside his own home. Because of his sympathy with orphan children, he especially requested the home-finding society to give him a bright boy, in order that he might treat him so far as possible as his own son. He was greatly disappointed when the child sent to him proved to be not only mentally but physically defective. The boy was inclined to be stubborn and was not always truthful. He was slovenly about his work, and required constant supervision. He had to be forced to go to school, and in spite of having attended for 10 years could not do third-grade work. The guardian, however, was trying to make the best of the situation. He recognized the boy's defects, and was dealing with him intelligently. Should this home fail, the boy would undoubtedly become a public charge.

Children whose heredity showed marked strains of degeneracy and defect, and who were themselves mentally defective, had been placed out from the almshouse. They proved burdensome to the families into which they were taken and dangerous to the community. Two imbecile boys, 18 and 20 years of age, who had been placed out from the almshouse, were the illegitimate children of an imbecile colored woman admitted to the almshouse when she was 10 years old, about



47 years ago. Since that time she had been in and out of the almshouse. The father of her first illegitimate child was a placed-out boy living in the family with which she had been placed by the almshouse. Several other illegitimate children were born during her periods of residence in the almshouse. Information concerning three of these children was secured, the two boys in question and a feeble-minded daughter 33 years of age. The older son had been taken from the almshouse by a white family when he was 3 years of age. He had never shown any bad traits but was unable to work except under close supervision. The younger son was taken from the almshouse at the age of 2, also by a white family with whom he remained until a year before the investigation was made. At that time he was transferred to another family because he was so troublesome. He was morose, impatient, and cruel, and could do only the simplest farm work. He was in urgent need of custodial care.

These 19 mentally defective children who were without natural guardians and dependent on the generosity and good will of the families by whom they had been given homes were in very special need of protection. Even though most of them were living in homes classified as favorable, and were in many cases receiving adequate care at the time of the investigation, these temporary homes could not be depended upon for permanent care. Many of the children were taken into the homes for the work they could do. When they were found to be a burden instead of a help, or when they proved to need unusual supervision or protection, their guardians wished to relinquish them to other care. The five children living under unfavorable home conditions and the eight others whose guardians were unwilling longer to bear the burden of caring for them, were in very great need of care and protection by the State.

#### CHILDREN IN THE ALMSHOUSE OR HAVING NO HOME.

The only institution in Sussex County to which children are admitted is the almshouse, which cares for them both in the institution and by placing out in families. Four mentally defective children between the ages of 6 and 20 years, inclusive, were in the almshouse at the time of the investigation—a white boy of 19, a white boy of 14, an 18-year-old colored girl, and an 8-year-old colored boy whose mother was also an inmate. The white children were both incapable of self-help. The histories of the four children present a picture of the types of families that populate the almshouse and constitute the lowest grade in the county. The almshouse is not adapted to the proper care of these cases and fails to give the constant supervision needed. The appeal for their protection is the more insistent because their condition is not only one of present misery but involves danger to the community.

The white boy of 19, a low-grade imbecile, was taken to the almshouse at the death of his father, when he was 10 years of age. He had a younger brother, also feeble-minded, in a foster home. The boy was handicapped physically, being badly crippled and unable to talk. He had remained in the almshouse ever since his admission and will probably be a public dependent until his death. The family history showed numerous cases of mental defect, degeneracy, and physical handicaps.

The boy aged 14 years, a helpless idiot, began his career in a public institution when he was 6 years old. A type of custodial case which meant an absolute drain on the public exchequer during his entire life, he was so low grade that he could hardly make his wants known by grunts and signs. He was blind, being afflicted with a double congenital cataract. Only such elementary commands as "stand up," "sit down," "come here," addressed to him in a loud voice, brought response. He was unable to talk—grimaced, held his mouth open, twisted his head restlessly, and kept his hands in almost constant motion. The family history showed bad strains on both sides. The mother had been a placed-out girl. She died eight years before the investigation. The father had married again but took no interest in his children.

A third inmate of the almshouse, an 8-year-old colored boy, was the son of an imbecile white woman, also an inmate of the almshouse. Born in the almshouse, the boy had been placed out from there several times, but was always returned shortly because of his thievish and destructive tendencies. His mother had been cared for in the almshouse for 17 years, having come there pregnant at the age of 19. Although never married, she was reported to have had seven children.

An 18-year-old imbecile girl was the illegitimate child of a colored woman who had had seven other illegitimate children, one of whom was obviously weak-minded, and five of whom died in infancy. This girl was born in the almshouse, and at the age of 2 years was bound out to a white family. She was returned to the almshouse a few years later because of a gangrenous sore on her leg, which finally necessitated amputation. On recovery from this operation she went home with her mother. The child had a vicious temper and had so much trouble with the children in the neighborhood that the mother, who was away from home during the day, was obliged to return her to the almshouse, where she had remained ever since. She had never had any schooling. Although her hearing and speech were defective and she was very low grade, she was able to do some work around the almshouse. She had been victimized at the almshouse and had given birth to a child.

The history of the 19-year-old colored girl, who had no home but lived illicitly with different men, is as follows: One of two illegitimate

children, at the age of 11 she was left, because of her mother's death, in charge of her grandparents, who were below average intelligence. The whereabouts of her father, a white man, had been unknown since before her birth. The girl was stubborn, had a bad temper, and required supervision, though she could do housework well. At the age of 17 she left her grandparents' home to do housework. She remained at service for only a short time, and since then had lived around at various places, her whereabouts being unknown to her grandparents. She had been very immoral, living with a number of different men. This girl was in urgent need of custodial care.

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## **CHAPTER IV. THE MENTALLY DEFECTIVE CHILD AND THE COMMUNITY.**

Mental defect is essentially a community problem. It is the inability of the defective to hold his own in school, in industry, and in his contacts with his fellow men that makes his condition of social as well as of individual concern. Society must make special provision for those incapable of meeting their responsibilities, or it must suffer the consequences. The presence of the feeble-minded child in the regular school grade not only results in comparatively little benefit to him but retards the whole class by requiring an undue proportion of the teacher's time and attention. The untrained defective is an industrial inefficient, capable at the best of doing only work very simple and routine in character. The delinquent or uncontrollable defective is a menace to his associates and a source of corruption to the neighborhood.

### **THE MENTALLY DEFECTIVE CHILD AND THE SCHOOL.**

The short terms, poor school facilities, lack of effective compulsory attendance, and the distances between the farm homes and the district schools made it difficult for even normal children to receive adequate education. Mentally defective children, often also physically handicapped, could derive little benefit from the one-room school where the teacher's ingenuity was sorely taxed in dealing with children of many ages and grades. In spite of the difficulties and the little advantage to be gained, the school attendance of mentally defective children was surprisingly high. Sixty-eight per cent of the children studied attended school during the year 1916-17. Twenty-one per cent who were not attending that year had previously had some schooling. Eleven per cent of the children had never attended school. The white and colored showed about the same proportion who had never attended. Of the 62 not in school during 1916-17, 48 were 14 years of age or over, leaving only 14 who were within the compulsory attendance age.

TABLE XXVII.—*School attendance of mentally defective children, according to color and age.*

Color and age.	Mentally defective children 6 to 20 years of age.				
	Total.	In school, 1916-17. <sup>a</sup>	Not in school, 1916-17.		
			Total.	Attended previously.	Never attended.
Total.....	192	130	62	41	21
White.....	123	86	37	23	14
6 to 9.....	16	12	4	.....	4
10 to 13.....	44	39	5	2	3
14 to 17.....	42	31	11	9	2
18 to 20.....	21	4	17	12	5
Colored.....	69	44	25	18	7
6 to 9.....	4	2	2	.....	2
10 to 13.....	24	21	3	1	2
14 to 17.....	31	21	10	10	.....
18 to 20.....	10	.....	10	7	3

<sup>a</sup> Children enrolled. Thirty-four of these children were not present in school when the Public Health Service examinations were made, but were later diagnosed in their homes. One of these had never attended public school, but had attended private school.

Sixty-six per cent of the boys and 71 per cent of the girls were attending school in 1916-17. Thirteen per cent of the boys and 8 per cent of the girls included in the study had had no school training whatever.

TABLE XXVIII.—*School attendance of mentally defective boys and girls.*

School attendance.	Mentally defective children 6 to 20 years of age.		
	Total.	Boys.	Girls.
Total.....	192	120	72
In school, 1916-17.....	130	79	51
Not in school, 1916-17.....	62	41	21
Attended previously.....	41	26	15
Never attended.....	21	15	6

Although many of the children had attended a number of years, few of them had attained grades above the third. Forty-three of the 109 white and 41 of the 62 colored children who had ever attended school had not progressed beyond the first grade. Eighteen of these white children and 15 of the colored had attended school five years or more without advancing beyond this grade, 6 of them being so defective that they were unable to do even primary work. Three white children had attained the seventh grade, the highest grade in which any defective child was found, but according to the teachers'

statements, these children had been so graded merely to encourage them, or to put them with children nearer their own age. One of them had attended for 11 years. Two children had reached the sixth grade, but one of them had been promoted only because of his long attendance—10 years—and not because he was able to do the work. A total of 10 white children had attained grades above the fourth. The lowest number of years attended by any of these was 7, and most of them had been in school 10 years or more. None of the colored children had reached grades above the fourth.

Fifty-eight per cent of the white children and 77 per cent of the colored were reported as having been in the first or the second grades during the last year they attended school; almost half the white children in these grades, and two-fifths of the colored, were reported as having attended school at least 5 years; two white children in the second grade were reported as having attended, one for 11 years, and the other for 14 years. The colored children did not show as long terms of school attendance as the white, although three of them in the first or second grades had been enrolled for 9 years.

TABLE XXIX.—*Mentally defective children who had ever attended school, according to number of years in school and last grade in which enrolled.*

Number of years in school.	Mentally defective children 6 to 20 years of age, who had ever attended school.								
	Total.	Last grade in which enrolled.							
		Primary and first.	Second.	Third.	Fourth.	Fifth.	Sixth.	Seventh.	Not reported.
Total.....	171	84	27	26	15	5	2	3	9
White.....	109	43	20	19	12	5	2	3	5
1 year.....	6	6							
2 years.....	6	6							
3 years.....	12	8	2	1					1
4 years.....	6	2	3		1				
5 years.....	7	4	1	1	1				
6 years.....	15	5	4	4	2				
7 years.....	10	3	1	3	2	1			
8 years.....	10		3	3	2	1			1
9 years.....	8	3	1	2	1				1
10 or more years.....	15	3	2	2	3	3	1	1	
Not reported.....	14	3	3	3			1	2	2
Colored.....	62	41	7	7	3				4
1 year.....	2	2							
2 years.....	3	3							
3 years.....	7	6	1						
4 years.....	8	8							
5 years.....	5	4							1
6 years.....	5	3	1		1				
7 years.....	5		3	1	1				
8 years.....	6	6							
9 years.....	4	2	1	1					
10 years.....	2								2
Not reported.....	15	7	1	5	1				1

Nearly three-fifths of the white children and four-fifths of the colored children attending school during the year 1916-17 were in the first or second grades. Only 3 white children and 1 colored child in the first grade were under 8 years of age. Seventeen of the 31 white children in the first grade were 11 years of age or over, 1 of them being 13; 2, 14; and 3, 15 years old. Twenty-four of the 32 colored children in the first grade were 11 years of age or older; 3 of them were 13 years old; 7, 14; 5, 15; and 1, 16. With the exception of 1, all the children in the second grade were 11 years of age or older. Attending school during 1916-17 were 20 white and 12 colored children 14 years of age; only 7 of the white and 2 of the colored children of this age had reached the fourth grade or above. Five of the white and 9 of the colored children 14 years of age were in the first and second grades.

TABLE XXX.—*Mentally defective children attending school during year 1916-17, according to age and grade in which enrolled.*

Age.	Mentally defective children 6 to 20 years of age, attending school 1916-17.														
	Total.	White.									Colored.				
		Grade in which enrolled.									Grade in which enrolled.				
		Total.	First.	Second.	Third.	Fourth.	Fifth.	Sixth.	Seventh.	Not reported.	Total.	First.	Second.	Third.	Fourth.
Total.....	130	86	31	18	17	10	3	2	3	2	44	32	4	5	2
6 years.....	1	1	1												
7 years.....	3	2	2								1	1			
8 years.....	7	6	6								1	1			
9 years.....	3	3	3												
10 years.....	9	3	2	1							6	6			
11 years.....	15	13	7	6							2	2			
12 years.....	24	16	4	4	4	3				1	8	6	1		1
13 years.....	12	7	1	3	3			1			5	3		2	
14 years.....	32	20	2	3	3	6	1				12	7	2	1	2
15 years.....	15	7	3					1	1		8	5	1	2	
16 years.....	4	3			1		2				1	1			
17 years.....	1	1				1									
18 to 20 years.....	4	4		1					2	1					

All but 2 of the 14 white children who had never attended school were classified as incapable of self-help; these exceptions had serious speech defects. Twelve white children who were so low grade mentally or physically that they could not attend to their personal wants had attended school for longer or shorter periods. The difficulties encountered in attempting to teach them in the same classes with normal children are obvious. Two of the 7 colored children who had never attended school were incapable of self-help. None of the

colored children who had attended was incapable of self-help, though many of them had serious physical handicaps.

Both the white children who were almshouse inmates were incapable of self-help and had never attended school. One of the white children who had never attended was living in a foster home. Of the 8 colored children who had never attended school, 4 were living in other than their parental homes, 2 of them in foster homes and 2 in the almshouse.

One of the most important factors in school attendance in the county was the distance children lived from the schools of their districts. Almost one-fourth of the mentally defective children under 14 years of age lived more than 2 miles from the schoolhouse, and were therefore exempted by law<sup>1</sup> from school attendance. Half the children under 14 years of age lived more than 1 mile from school.

Distance from school is a rural problem, and therefore the figures on the attendance of the 140 children living on farms are most significant. Twelve white and 10 colored children living on farms had more than 2 miles to go to school. Living over 1 mile from school were 31 of the 48 white children under 14 years of age, and 18 of the 24 colored children of the same ages. Considering the difficulties, it is surprising to note the number of mentally defective children who trudged long distances to school year after year, though making little, if any, progress.

It is generally recognized that the regular school curriculum is not adapted to training the mentally defective child. Sensory and manual training must be relied upon to a far greater extent than in the case of normal children. The small number of children who had attained grades beyond the first or second, even after long years of school attendance, indicates the futility of attempting to fit these children into the ordinary school routine. The menace of the presence of mentally defective children in the regular classes, and the need for special classes for the training of these children, have been previously discussed.<sup>2</sup>

#### THE MENTALLY DEFECTIVE CHILD IN INDUSTRY.

##### Kind of work done.

In the farm districts of Sussex County practically every child able to perform any work helps on the home farm. A considerable number of children work during short periods for other farmers, especially during corn-husking and berry-picking time. Often the father hires out by the day, and takes his children—boys and girls—with him. Very young children are engaged in berry picking. Children are em-

<sup>1</sup> R. C. 1915, sec. 2313. Section 2311m of the Revised Code as added by chapter 164 of the Acts of 1915 empowers local boards of education to make contracts for the free transportation of children.

<sup>2</sup> See p. 30.



ployed in canneries during the season. They also make peach-basket tops and berry baskets, much of this work being done in the homes. Owing to the primitive conditions and the simple character of most of the industries, it is possible for mental defectives to perform gainful work, and even to become self-supporting, in a greater proportion of cases than would hold for more highly organized communities. Most of the work is done for employers who work with their helpers, hence little initiative is required. Only very young children or those of very low-grade mentality are not engaged in some form of work, either for their own parents or for hire.

Most of the work done by the feeble-minded children studied was on the farm or around the house. In a considerable number of cases this was combined with seasonal work, such as berry picking and wreath and basket making. Several of the children were reported as having worked in canneries during the season. Work at home included any kind of help around the house or farm. Many of those who were badly handicapped physically and some of those who were classified as incapable of self-help were performing a few simple duties. Of the mental defectives 12 to 20 years of age, 87 per cent of the boys and 81 per cent of the girls were reported as doing some kind of work other than simple tasks. Many of the children worked only after school hours, or when they were not attending school.

TABLE XXXI.—*Type of work done by mentally defective children.*

Type of work done.	Mentally defective children 12 to 20 years of age.								
	Total.			White.			Colored.		
	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.
Total.....	144	87	57	89	61	28	55	26	29
Work at home.....	71	43	28	47	32	15	24	11	13
Home and hired.....	35	24	11	19	15	4	16	9	7
Hired.....	16	9	7	4	3	1	12	6	6
Simple tasks.....	8	2	6	5	2	3	3	.....	3
Incapable of work.....	10	7	3	10	7	3	.....	.....	.....
Not reported.....	4	2	2	4	2	2	.....	.....	.....

A larger proportion of colored than of white children were found employed away from their own homes. Nineteen white and 16 colored children worked intermittently for others and in their own homes, and 4 white and 12 colored worked for others only. Thus, a total of 26 per cent of all the white children, and 51 per cent of the colored, were reported as working away from their own homes to some extent. The greater proportion among the colored may indicate that economic stress had forced these families to utilize the labor of all members of the family capable of doing even low grade and inefficient work.

**Capacity for self-support.**

In attempting to classify these children according to their capacity for earning their own living, the type of work offered by the environment under which they were living was taken as the criterion. The work the mentally defective children from 12 to 20 years of age were capable of doing was grouped as follows: (1) Independent or almost independent work, including factory work, farm labor, or housework away from home, for the average wage paid in the locality, and high-grade work on the home farm or own household. (2) Good work under supervision, including work for others at less than the average rate of pay, and corresponding work at home. (3) Work of low grade under close supervision. This included the simpler kinds of farm and housework, berry picking with the parents, cutting wood, and similar occupations. (4) The simplest kinds of tasks, such as carrying wood or water and going on errands. Class (5) included those incapable of doing any work.

TABLE XXXII.—*Capacity for work of mentally defective children.*

Capacity for work.	Mentally defective children 12 to 20 years of age.								
	Total.			White.			Colored.		
	Total.	Boys.	Girls.	Total.	Boys.	Girls.	Total.	Boys.	Girls.
Total.....	144	87	57	99	61	38	55	26	29
Independent or almost independent work.....	27	19	8	15	11	4	12	8	4
Good work with supervision.....	38	24	14	20	17	3	18	7	11
Poor work needing much supervision.....	57	33	24	35	22	13	22	11	11
Only simplest tasks.....	8	2	6	5	2	3	3	—	3
Incappable of any work.....	10	7	3	10	7	3	—	—	—
Not reported.....	4	2	2	4	2	2	—	—	—

The percentage of children reported as capable of doing independent work or good work under more or less supervision was high—39 per cent of the white and 55 per cent of the colored. However, it must be borne in mind that many of those classed as capable of doing independent work probably would not have been so graded if judged according to other standards than the simple requirements of the industries in this locality. All the work performed was unskilled and simple in character. Of the 144 mental defectives 12 to 20 years of age, 65 were classed as doing independent or almost independent work, or good work under supervision. These children were able, under the conditions in which they were living, to make a considerable contribution to their own maintenance. Probably few, if any, of them would have been able to conduct their own affairs independently. A number of the boys were working at farm labor earning \$1 a day or more during busy seasons. Many of them, however, were

unable to do any tasks that required initiative or responsibility, and in most cases the work depended upon physical strength, and was routine in character. A somewhat larger proportion of boys than of girls were capable of good work. This difference may be partly accounted for by the fact that household duties are more varied and exacting than the work engaged in by boys. Many of the tasks in the household require close muscular coordination, which is usually poorly developed among the feeble-minded. A larger proportion of colored than of white children were reported as capable of good work, probably on account of differences in standards and kinds of work done.

The largest number in any one class fall into the group described as capable of doing only low-grade work under close supervision, 40 per cent of all the children in the specified age group being so described. The economic waste involved in the poor work of these children and the time spent in supervising them indicates the need for special industrial training to develop whatever trainable abilities these children possess. Many of them could undoubtedly be helped by such training to perform higher grades of work. The proportionate number of girls in this class is slightly higher than that of boys, again indicating the necessity for giving these girls training in household duties and handwork.

The lowest grades included 8 children who were able to perform only the most rudimentary tasks and 10 who were incapable of any work. These 18 children, 13 per cent of all between 12 and 20 years of age, were too low grade to make any appreciable contribution toward their own support.

A comparison of the industrial efficiency of these mentally defective children and the economic status of their families is of the greatest interest, indicating the extent to which these children are burdens that can not be borne without serious damage to the family life. The children living in their parental homes—108 of the 144 children 12 to 20 years of age—included 55 who were reported as doing low-grade work or as being incapable of assisting in their own maintenance. Thirty of these children, 9 of whom were incapable of doing any work or could perform only the simplest tasks, were in families in which the incomes were inadequate to meet the needs of a proper standard of life, even without the unusual demands imposed by the care of the defective child.

Of the 32 children 12 to 20 years of age living with relatives or in foster homes, only 15 were reported as able to do good work. Fifteen were classed as doing low-grade work and two as able to do only the simplest tasks. Four of these economically incompetent children lived in families having incomes inadequate for their needs. One

of the children able to do only poor work, and two incapable of any work were in the almshouse.

TABLE XXXIII.—*Capacity for work of mentally defective children, according to type of home and income of family.*

Capacity for work.	Mentally defective children 12 to 20 years of age.							
	Total.	In parental homes.			In relatives' or foster homes.			In almshouse or no home.
		Total.	Family income adequate.	Family income inadequate.	Total.	Family income adequate.	Family income inadequate.	
Total.....	144	108	50	58	32	26	6	4
White.....	89	69	37	32	18	16	2	2
Independent or almost independent work.....	15	11	8	3	4	3	1	.....
Good work with supervision.....	20	14	7	7	6	6	.....	.....
Poor work.....	35	27	15	12	8	7	1	.....
Simplest tasks.....	5	6	3	2	.....	.....	.....	.....
Incapable.....	10	8	1	7	.....	.....	.....	3
Not reported.....	4	4	3	1	.....	.....	.....	.....
Colored.....	55	39	13	26	14	10	4	2
Independent or almost independent work.....	12	10	3	7	2	2	.....	.....
Good work with supervision.....	18	14	4	10	3	2	1	1
Poor work.....	22	14	5	9	7	5	2	1
Simplest tasks.....	3	1	1	.....	2	1	1	.....
Incapable.....	.....	.....	.....	.....	.....	.....	.....	.....
Not reported.....	.....	.....	.....	.....	.....	.....	.....	.....

The work done by these mentally defective children is of especial interest in connection with the provision of training or custodial care. The fact that only 7 per cent of all of the children 12 to 20 years of age were reported as being incapable of doing any work indicates large opportunities for development by proper training. A surprising number of the children had done work outside their homes, and with suitable training many of them could undoubtedly have become fairly capable workers, under proper direction.

#### MENTALLY DEFECTIVE CHILDREN AS OFFENDERS AGAINST SOCIAL STANDARDS.

The nature of juvenile offenses against established order depends very largely upon the environment and the temptations offered. In rural communities and small towns boys and girls are rarely known as delinquents. If misdemeanors are committed they are likely to be spasmodic in character rather than habitual, and discipline is left to the parent or guardian of the child instead of becoming a matter for the courts. The cases studied illustrate strikingly the types of anti-social outbreaks of mentally defective children in rural communities. There were comparatively few offenses committed, but personal characteristics and tendencies were found demanding correction and

control through proper education and discipline. Many of these characteristics were such that in a more complex social organization they would inevitably have brought the children into conflict with the law.

The misdemeanors reported were mainly exhibitions of violent temper or viciousness, running away from home, cruelty to animals, petty thieving, or minor depredations. Thirty-five of the mentally defective children studied had exhibited tendencies toward wrongdoing more or less serious in nature. Sixteen of them were markedly disobedient or unruly, and were classified as uncontrollable. Fourteen had committed offenses against person or property. Five girls were reported as sex offenders, three of them being mothers of illegitimate children.

TABLE XXXIV.—*Mentally defective children who were reported as being delinquent or uncontrollable, according to color, sex, and nature of offenses reported.*

Nature of offenses reported.	Mentally defective children 6 to 20 years of age who were reported as being delinquent or uncontrollable.						
	Total.	Boys.			Girls.		
		Total.	White.	Colored.	Total.	White.	Colored.
Total.....	35	24	18	6	11	5	6
Child uncontrollable.....	16	11	9	2	5	4	1
Offenses against person or property.....	14	13	9	4	1	1	1
Sex offenses.....	5				5	1	4

The largest number of the 30 children classed as offenders against person or property or as uncontrollable had violent tempers and vicious tendencies. These wild impulses were often of such a character that the safety of others demanded custodial care of the unfortunate children. Brutal cruelty to animals and attacks upon other children were frequently reported. Three boys had attempted to set fire to buildings. Others were reported as destructive, unruly, obscene, given to fighting, and as runaways. The reported cases of stealing varied from appropriating things wanted for play to taking small amounts of money from home or theft of merchandise. In some cases classed as uncontrollable the difficulty appeared to be due to nervous irritability or other detrimental physical conditions. In some of the lower-grade cases the instinct for noise and destruction seemed quite uncontrollable; in the higher grade cases the bad behavior often appeared to be the result of lack of proper discipline. Two of the girls classified as sex offenders had led very immoral lives for an extended period of time. The three who were mothers of illegitimate children were rather offended against than offending.

The special need for protection of these defective children with uncontrolled instincts is illustrated by the case of an 8-year-old idiot boy, the son of a widowed mother. This boy was thoroughly demoralizing the household. His senseless, brutal activity and his propensity for running away made him a menace to his family and the community. Moreover, he lowered the economic level of his home by requiring constant attention. Unless he was watched continually he would smash windows or throw the dishes off the table, apparently for the pleasure he obtained from the noise and commotion. He was brutal in his treatment of animals, and unless prevented would wring the necks of fowls. The family was in very poor circumstances and the boy was a great burden to them. He was in urgent need of custodial care.

A boy 6 years of age, not yet able to talk, was very stubborn and high tempered. He would fly into a rage and attack a child or adult with a stick or other weapon. His mother had deserted the family when the boy was only 2 months old. The maternal grandmother, ignorant and inefficient, was attempting to manage the household. The father was crippled with rheumatism, and had other physical disabilities that made him almost helpless. The family made a scant living from the farm they owned.

Lack of proper training and discipline made custodial care imperative for an 11-year-old boy who was being cared for by relatives because his mother was in the hospital for the insane. He had a violent temper and at times worked himself into a passion in which he would bite his own arm until the blood ran. He fought with other children, was cruel to animals, and had a propensity for building fires in dangerous places. He was distinctly unsocial in nature and was a great source of worry to his family.

The guardians of a 19-year-old feeble-minded boy had implored the agency that placed him to remove him. He was depraved, unbearably filthy, and obscene, and his character had curious contradictions, ranging from religious fervor to destructiveness and brutality. Although he had attended school for 10 years he had made no progress whatever. He had to be watched continually and could not be trusted to work alone a minute. He went to town every night and became furious if an attempt was made to keep him at home. The moving-picture theater had debarred him from attendance because of his obscene behavior.

In considering delinquent tendencies, it is significant to note the types of homes in which these children lived. Almost one-half of the children who were classified as offenders were living in other than their parental homes, whereas less than one-fourth of all the mentally defective children studied were not living with their parents. Many

of the foster home children presented particularly serious problems of conduct.

TABLE XXXV.—*Character of mentally defective children, according to type of home.*

Type of home.	Mentally defective children 6 to 20 years of age.						
	Total.	Of good character as far as known.			Reported as being delinquent or uncontrollable.		
		Total.	White.	Colored.	Total.	White.	Colored.
Total.....	192	157	100	57	35	23	12
Parental.....	150	132	85	47	18	14	4
Foster or relatives.....	37	24	14	10	13	8	5
Almshouse or no home.....	5	1	1		4	1	3

The proper care and training of mentally defective children who have propensities toward delinquent conduct has been generally recognized as of the utmost importance. The problem of control becomes increasingly difficult as the child becomes older. If the defective child be taken in hand at an early age, antisocial tendencies may be lessened by training so directed as to form fixed habits of right conduct. Society pays a heavy penalty for the neglect of those who are unable by reason of defective mentality to exercise ordinary judgment and self-control.

## CHAPTER V. THE RECURRENCE OF MENTAL DEFECT AND THE COINCIDENCE OF DEFECT, DEGENERACY, AND DEPENDENCY.

The investigation revealed a considerable number of families in which more than one member was feeble-minded, and a startling amount of intertwining of defect and degeneracy among certain family groups. Defective individuals intermarried or lived illicitly with others of like characteristics, each generation producing an increasing number of defective or degenerate members. The related factors of degeneracy, illegitimacy, and dependency aggravated the problems involved in the care of mentally defective children and greatly increased the danger and burden to the community.

### CONSANGUINITY OF MENTAL DEFECTIVES.

In the immediate families of 82 mentally defective children—45 white and 37 colored, 43 per cent of the total studied—other members had been diagnosed feeble-minded. In 1 white and 2 colored families both parents had been diagnosed feeble-minded, and in 3 white and 5 colored families 1 parent was feeble-minded. These families included 19 feeble-minded children—5 white and 14 colored—between 6 and 20 years of age.

TABLE XXXVI.—Families having mentally defective children 6 to 20 years of age, according to mentality of parents and older children, and number of mentally defective children of age group studied.

Mentality of parents and older children.	Families having mentally defective children 6 to 20 years of age.										
	Total.	White.					Colored.				
		Total.	Number of mentally defective children 6 to 20 years of age in family.				Total.	Number of mentally defective children 6 to 20 years of age in family.			
			One.	Two.	Three.	Four.		One.	Two.	Three.	Four.
Total.....	151	101	86	10	3	2	50	37	10	.....	3
Both parents feeble-minded.....	2	1	.....	1	.....	.....	1	.....	.....	.....	1
Both parents and older child feeble-minded.....	1	.....	.....	.....	.....	.....	1	.....	1	.....	.....
One parent feeble-minded.....	7	3	* 3	.....	.....	.....	4	2	2	.....	.....
One parent and older child feeble-minded.....	1	.....	.....	.....	.....	.....	1	.....	1	.....	.....
Older child feeble-minded.....	9	5	5	.....	.....	.....	4	3	1	.....	.....
Parents and older children of normal mentality so far as known.....	131	92	78	9	3	2	39	32	5	.....	2

\* One of these families had another feeble-minded child under 6 years of age.



The 192 children studied represented 151 family groups. There were 15 white and 13 colored families in which there was more than one feeble-minded child between the ages of 6 and 20 years, inclusive. In each of 10 of the white families there were two of these children; in 3 families there were three each; and in 2, four each. Ten of the colored families each contained two feeble-minded children 6 to 20 years of age, and in 3 families there were four each. In addition to children included in the study, 5 of the white and 6 of the colored families had older children who also had been diagnosed mentally defective. Four mentally defective children, 3 white and 1 colored, had an insane mother or father. Two of these white children belonged to the same family.

This investigation showed a recurrence of feeble-mindedness in 23 of the 101 white families and in 18 of the 50 colored families included in the study. More than one-fourth of all the families studied had more than one feeble-minded member. In other families there were insane parents or members of the family group reported weak-minded.

In 7 white families having 15 mentally defective children included in the study, and in 9 colored families having 18 mentally defective children, 2 or more members of the immediate family groups and also more distant relatives had been diagnosed feeble-minded. Of the 78 white and the 32 colored children who were the only defective members of their immediate families 9 white and 10 colored had feeble-minded relatives. Thus, only 69 of the 123 white children and 22 of the 69 colored children had no feeble-minded relatives so far as known. The proportion of white children having no feeble-minded relatives is considerably higher than that of the colored. The inter-twining of the family groups of the mentally defective children was very significant. Families united and reunited, forming a complex interrelationship, in which feeble-mindedness and low mentality were common.

The following cases of defective children included in the study illustrate recurrence of mental defect in the same family or in related family groups:

Two white girls, 9 and 16 years of age, were the only children in a family in which both the mother and father were feeble-minded.

Two white boys, ages 9 and 19, had two sisters reported weak-minded, an uncle who had been diagnosed feeble-minded, an aunt reported weak-minded, two cousins and a nephew diagnosed feeble-minded, a grandaunt and a great-grandaunt who had been insane.

Two white boys, 15 and 20 years of age, had a grandparent and a great-grandparent who had been insane.

A white boy 19 years of age had a sister and two brothers who had been diagnosed feeble-minded, an epileptic grandparent, an epileptic cousin, a niece and a nephew diagnosed feeble-minded, a second cousin diagnosed feeble-minded, and a great-grandparent who had been insane.

A white boy 20 years of age had a feeble-minded brother, a feeble-minded uncle, an aunt reported weak-minded, two first cousins who were feeble-minded, and two who were reported weak-minded, a feeble-minded nephew, and a great-grandaunt who had been insane.

Two colored boys, 11 and 16 years of age, belonged in a family in which both parents were feeble-minded, an older half brother feeble-minded, a half sister reported weak-minded, another half sister epileptic and reported weak-minded, and an aunt reported weak-minded.

A colored boy 9 years of age had an insane father, an uncle reported insane, a first cousin who had been diagnosed feeble-minded, two granduncles reported insane.

A colored girl 15 years of age and her 18-year-old brother had an older feeble-minded brother, a grandparent reported weak-minded, two feeble-minded nieces, two feeble-minded nephews, and an epileptic niece.

A colored boy 14 years of age had six third cousins diagnosed feeble-minded and one reported weak-minded; four of his mother's second cousins had been diagnosed feeble-minded, one of them also being epileptic.

A colored boy 18 years of age and his sister 15 years of age were the children of a woman reported weak-minded. One of their grandparents was insane; a first cousin was feeble-minded and another was reported weak-minded; a cousin of the mother was epileptic.

Four colored children ranging in age from 12 to 20 years had feeble-minded parents, the mother being also epileptic. Two children of the family were too young to have their mentality determined. The oldest of the four feeble-minded children had an illegitimate child who was feeble-minded. A grandparent was reported weak-minded; two aunts, a first cousin, a third cousin, and a second cousin of the mother had been diagnosed feeble-minded.

A colored boy 8 years of age was the child of a feeble-minded woman. His uncle was diagnosed feeble-minded; another uncle, an aunt, and a cousin were reported weak-minded; a granduncle was insane, and a third cousin had been diagnosed feeble-minded.

A colored boy 12 years old had a feeble-minded mother, a half sister reported weak-minded, two feeble-minded aunts, one of whom was also epileptic, four feeble-minded first cousins, one aunt and one first cousin reported weak-minded, two second cousins and a third cousin of the mother diagnosed feeble-minded.

#### MENTAL DEFECT AND DEGENERACY.

##### Alcoholism and immorality.

The coincidence of mental defect and alcoholism or immorality creates most serious conditions of degeneracy. However, it was difficult to discover the facts concerning the prevalence of alcoholism and immorality in the families studied because the information was mainly secured from interviews with the mothers. Alcoholism might be presumed to be of small proportions in this county because it has been for some years no-license territory. That 20 of the 123 white

children and 7 of the 69 colored had parents who were reported as alcoholic at the time the investigation was made, or as having been alcoholic formerly, indicates, however, that this problem is by no means nonexistent. Information concerning immorality of parents was secured usually only in cases where the children were illegitimate. In 4 white families having 6 mentally defective children, and in 18 colored families having 25 mentally defective children, one or both parents were reported as having been immoral. Occasionally the immorality of another member of the family was a detrimental influence in the home.

The following cases illustrate the coincidence of mental defect and alcoholism or immorality:

Alcoholism was prevalent in a white family in which there were two feeble-minded boys, 12 and 17 years of age. The paternal grandfather, paternal granduncles, and nearly all the mother's people were excessively alcoholic. The father had been a heavy drinker formerly. The 17-year-old boy and two brothers living away from home at the time of the investigation were reported as drinking a great deal. The fact that all the mother's relatives on both sides and a number of the father's relatives were reported to have died of tuberculosis, suggests the poor physical stamina of the family stock.

A white boy, 15 years old, had several paternal relatives who were reported alcoholic. The father had always been a heavy drinker, and had deserted the family two years before the investigation. The paternal grandfather was a drunkard, and a cousin of the father was reported as having used alcohol excessively.

Three feeble-minded children came from a white family in which alcoholism and immorality were common. The father of the two oldest children was an inmate of the hospital for the insane. The mother was living illegally with the father of the youngest child. The paternal grandfather of two of the children had been insane and several relatives were feeble-minded, some of them being inmates of the county almshouse. All the known male paternal relatives of the older children were reported as having been drunkards. A sister of the three feeble-minded children was the mother of an illegitimate child.

A girl 15 and a boy 18 years of age belonged in a colored family, several members of which were feeble-minded. The father treated the mother so badly that she was obliged to leave home, after which he maintained illicit relations with a very immoral woman of the neighborhood. Four children remained with the father, and were living under very detrimental conditions.

### **Illegitimacy.**

The problem of illegitimacy complicated that of mental defect in the cases of only 4 white children 6 to 20 years of age, but 17 colored children, 25 per cent of the total number of colored, were illegitimate. One white child was a foundling. The greater number of colored illegitimate children is due to the different standards of morality

which prevail in general among the two races, and the greater laxness of the marriage relation among the colored. The mothers of seven of the illegitimate mental defectives were also feeble-minded. In one of these cases the father was also mentally defective. The lack of normal home surroundings, in addition to their bad heredity, makes this group of children peculiarly likely to become subjects for public protection, as illustrated by the following cases:

A feeble-minded colored girl 14 years of age was an illegitimate child whose mother had disappeared. The girl was thrust upon an older half sister who mistreated her. A kind-hearted colored woman asked for the child, took her in, and was giving her a comfortable home. She was disappointed to find that the child was defective, and in spite of the fact that she was treating the girl well she may find it impossible to care for her permanently.

A 14-year-old imbecile white girl was the illegitimate child of an imbecile mother, for a short time an inmate of the almshouse. The mother was a woman of good physical condition, clean, and attractive looking. She worked irregularly at farm or house work, at which she earned \$1 a day, but she secured very little employment because of her inefficiency. She and her child made their home with her aged mother in a small house that was given them rent free by a well-to-do neighbor. The three lived a shiftless life, incapable of self-management, dependent on the assistance of neighbors and relatives for food, clothing, and fuel. The mother had had two legitimate children, one of them dead and the other cared for by relatives. The family was notorious in the section in which they lived. The entire neighborhood felt the burden of their presence, and recognized the need for a suitable institution for these defective individuals.

A feeble-minded boy, 17 years of age, was the third of four illegitimate children of a mother who deserted the children when this boy was about 6 years old. He and his older half sister had always lived with their grandmother, the mother taking no responsibility for them. The mother married and had been living in a home of her own for the past 11 years. The boy was diagnosed as an epileptic imbecile. He was physically able to work, and could cut wood and help around the farm at simple tasks, but could not be trusted to work alone for fear of his seizures. The grandmother had an adequate income and expected to provide for the boy always. The half sister of this boy, also living with the grandmother, repeated her mother's history. She was 20 years old when her illegitimate child was born.

In connection with this study a special effort was made to secure information regarding cases of feeble-minded women who had had illegitimate children. Seventeen in all were found, 3 of these mothers being girls under 21 years of age. These 17 mothers were known to

have had 51 illegitimate children. Of these children, 10 died in infancy, 6 died later, 1 had disappeared, and 34 were living at the time of the investigation. The mentality of these children was as follows: Ten examined and found feeble-minded, 1 epileptic and retarded, 5 reported weak-minded, 2 examined and found normal, 16 mentality not known. Thus, nearly a third of the living children were known to be feeble-minded. How high the percentage of mental defectiveness actually was can only be conjectured, since only those who were reported as being of doubtful mentality were looked up. The large number of mental defectives among the illegitimate children of this group of mothers may be presumed to indicate a high heritage of degeneracy. It is interesting to note that 5 of the 17 feeble-minded mothers of illegitimate children were themselves illegitimate.

#### MENTAL DEFECT AND DEPENDENCY.

##### Dependent families.

With the exception of a very small amount of charitable relief given to families in their homes, usually through church or neighborhood aid, dependents in Sussex County are provided for in two ways—by admission to the county almshouse or in the case of children often by removal from their homes and placement with other families. It is significant rather of the absence of available sources of relief than of the lack of need for aid that only three of the white and five of the colored families studied were known to have received charitable assistance. Considering only the children 6 to 20 years of age, inclusive, who were living in their parental homes—a total of 150—it was found that 89 of them, 53 white and 36 colored, belonged in families whose incomes were below that required for maintaining a decent standard of living under the comparatively simple conditions of life in their home communities. It must be remembered, however, that the "share tenants" make up largely the "inadequate income" group. These families usually managed to scrape along and provide themselves with sufficient food for existence. Many of them lacked proper clothing, their dwellings were poorly constructed, and they suffered for the ordinary comforts, but they did not seek or receive aid.

Among the families which demanded constant assistance was a colored family consisting of a feeble-minded mother and seven children, two of whom, a girl of 17 and a boy of 11 years, were also feeble-minded. The family was living in dire poverty and filth. The father of the two oldest children, both of whom were illegitimate, was a worthless drunkard, who had never contributed to their support. The other five children were the legitimate offspring of an unskilled laborer who had died from lung trouble contracted through cement poisoning. After his death the wife and the oldest girls worked irregularly at housework, but were so inefficient that the family had been largely

dependent on charity. They lived in a small village, occupying a very tiny unplastered shanty of three rooms, so small and so loosely built that it had the appearance of a woodshed. The place was filthy. The condition of the family in winter, when they were practically unprotected from the cold, was pitiable, and at all seasons the children were running the streets thinly and raggedly clothed. The mother was about 40 years old and was diagnosed feeble-minded. She was incapable of keeping her house in order and unable to control her children. The oldest girl, 18 years of age, was reported by the local school-teacher as "not quite right." The second child, a girl 17 years old, was diagnosed feeble-minded. A girl of 12, the oldest of the legitimate children, was normal mentally. A boy of 11 was diagnosed feeble-minded. The three youngest children, 6, 4, and 2 years old, showed no marked defect. With a feeble-minded mother as head of the household and three of the older children known to be below the average, the situation was such that the family would remain a steady burden on the community.

#### **Mental defectives in the almshouse.**

The almshouse of the county, the only institution which can be used as a refuge, is the home of the unfortunates who because of mental or physical infirmities are unable to provide themselves with subsistence even under the most simple conditions. It serves as an emergency shelter for the incompetents who drift back and forth from the almshouse to the community. It is significant of conditions in the county that only 3 of the 35 inmates of the almshouse at the time of this study were found to be normal mentally. Nineteen of the inmates, 13 males and 6 females, were diagnosed as feeble-minded. Five of the males and 3 of the females so diagnosed were colored. Most of the feeble-minded inmates represented very low grades, mentally, physically, and morally.<sup>1</sup>

The almshouse refugees afford an interesting study into the continuity of degeneracy, representing as they evidently do in this county a marked degree of social deficiency. It is interesting to note that six of the present almshouse inmates had mothers who had also been inmates. Various relatives of others were present or former inmates. The four feeble-minded children who were inmates of the county almshouse have been previously described. The following histories of older almshouse cases illustrate the burden involved in the care of these unfortunates.

An imbecile white woman 37 years old had been an inmate of the almshouse since the age of 19. The birth records of four of her illegitimate children appeared on the almshouse register. The oldest of the four, 17 years old, had been "bound out" from the almshouse,

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<sup>1</sup> See p. 32.

and had proved himself an industrious and capable boy. The second died when 4 days old. The third was a feeble-minded colored boy, whose history has been given in a previous chapter. A colored inmate was the father of the fourth child, a 10-months-old baby being cared for by the mother in the almshouse. The mother was born of poor parents, and was one of a numerous family who lived in a tiny house in a remote district and were employed by farmers in the vicinity. Both parents of this woman had had children by other matings, and her father was an old man when she was born. The father was regarded by his employers as a good, industrious man, but he was always in rags and very poor. By his neighbors he was considered unusually self-complacent and egotistical. The mother was shiftless, inefficient, and had had illegitimate children by a man with whom she lived illegally. She was an inmate of the almshouse at the time of her death.

An imbecile woman 70 years of age had spent the greater portion of her life in almshouses, having been an inmate of five different ones in Maryland and Delaware. At the time of this investigation she was an inmate of the Sussex County almshouse, to which she had been taken for the first time 20 years before the time of the investigation. She had been taken from there at different times by families who wanted her to work for them. Capable of doing sufficient work to support herself, her violent temper made it impossible to endure her long. She had been in and out of the almshouse a great many times for longer or shorter periods. She was known to have had eight illegitimate children, two of whom died in infancy. Her mentality was so low that she could not care for her children, and all of them were placed out when young. One of the children was reported weak-minded and one was said to have been in an institution for delinquents.

One of the worst features of this type of almshouse is the lack of protection of the inmates. The absence of supervision and the lack of legal control over the inmates makes the almshouse a breeding place of degeneracy and defect. An imbecile woman who had given birth to six children in the almshouse illustrates the danger of this lack of supervision. When she was 8 years old her mother died of tuberculosis, and the girl was placed out at service. At the age of 18 years she first appeared at the almshouse, where she gave birth to an illegitimate child. Four years later twins were born in the almshouse, the father being an inmate. Within two years another illegitimate child was born, the father of this one also being an almshouse inmate. She left the almshouse and went to live with relatives, but within a year returned to give birth to twins. Only one of her five children was living at the time of the investigation. He was epileptic and mentally retarded. After the birth of the last child the mother remained in the almshouse for three years. She then married a man who was

about her mental equal, unable to do any but the lowest grade of work, at which he could barely eke out an existence. She had fits of violent temper, had attempted murder, had stolen, and was grossly immoral.

The family history of a 73-year-old feeble-minded man in the almshouse at the time of the investigation illustrates the degenerate type of family that contributes heavily to alcoholism, pauperism, and low living. The man's mother died in an almshouse at the age of 45. Her mind was slightly affected. His father had been a very heavy drinker, but was considered an intelligent man. The man had three brothers. The oldest died when a young man. The second brother lived to be 74 years old. He was a decided alcoholic, and was in and out of the Kent County almshouse for about 20 years, and finally died there. The third brother was a moderate drinker, and though he had succeeded in keeping out of the almshouse he was extremely poor and was dependent on the charity of neighbors. A cousin was in the Sussex County almshouse, and had the distinction of being one of the few inmates who were not feeble-minded or insane. He was a heavy drinker, and through shiftlessness had been compelled to seek refuge in the almshouse in his old age.

#### **SOME RESULTS OF FAILURE TO PROVIDE PROPER CARE FOR THE MENTALLY DEFECTIVE.**

Two groups of related families, embracing a large number of mentally defective children included in the study, were striking illustrations of the intertwining, through marriage or illegal relationships, of a number of different families with strains of degeneracy. The families united and reunited, forming complex interrelationships in which feeble-mindedness, pauperism, and other phases of degeneracy were common.

*Group A.*—This group comprises white families descended from a common ancestor five generations back, and resident in the county as far back as the history goes. Members of four generations were living at the time the investigation was made. The known data begin with a marriage between a drunkard, who had a serious speech defect, and the sister of an insane woman who died in the county almshouse. Her parents, nevertheless, had considerable position in the community, and strongly objected to the daughter's marriage. As a result of this union, nine children were born, two of whom died in infancy. Two daughters died of tuberculosis and one of cancer. One daughter had so serious a speech defect that she never attempted to attend school. One son was diagnosed feeble-minded. Two of the children, a daughter and a son, married and had children who were diagnosed mentally defective. Their families were described as follows:



There were nine children in the daughter's family. One of them died in infancy. One son was alcoholic, two had serious speech defects, one was an idio-imbecile, and another was an imbecile and afflicted with tuberculosis of the spine.

The son married his first cousin, in whose heritage on both sides were alcoholism and insanity. As a result of this marriage, eight children were born. One of them died at 14 months of tuberculosis. The father died at the age of 40, and after his death one of the sons was placed out and three of the children went to the almshouse. The placed-out boy, 9 years old at the time of the investigation, was diagnosed feeble-minded. Two sisters, reported very low grade mentally, died in the almshouse, and a brother, a low-grade imbecile, was an inmate at the time of the investigation. Three of the children were apparently normal mentally. One of them married her first cousin, described above as having a serious speech defect. Two children had been born to them. The oldest was 3 years of age at the time of the investigation, and had been diagnosed as an organic case of feeble-mindedness.

The group of families described shows the degeneracy resulting from the marriage of persons whose heredity had strains of alcoholism and insanity, and from the intermarriage of their descendants. Particularly did the two marriages of first cousins result in mentally defective progeny. Some of the normal members of the second generation held prominent places in the community and an occasional member of the later generations was of good standing, but the majority were economically inefficient, shiftless, or dependents on public or private charity.

• *Group B.*—This group of families represents a number of colored families who became interrelated through marriage or illicit relationships. During the course of the investigation 14 families belonging to this group were found to have mentally defective members, 9 of whom were children between the ages of 6 and 20 years, and represented nearly one-seventh of all the colored mentally defective children enumerated in the county. A total of 16 members of the interrelated groups were diagnosed as feeble-minded. Six were known to have been insane. A number of the members of the group had histories of alcoholism, and a larger proportion were reported as tubercular victims of unwholesome living conditions. Illegitimacy was very common among them.

Ten of the 16 known mental defectives of this group of families were descended from a weak-minded woman reported to have "no more sense than a 2-year-old baby." She had six illegitimate children by six different men. Four of her daughters were located, and three of them were diagnosed as feeble-minded.

One of the feeble-minded daughters, at the age of 15, had an illegitimate daughter by a feeble-minded man, whom she later married. She had nine legitimate children, four of whom died in infancy or early childhood. Two of the legitimate children were too young for determination of mentality, and the other three were diagnosed feeble-minded. Her illegitimate daughter, also feeble-minded, at the age of 15 had an illegitimate child by a man having a criminal record, who was distantly related to her, and who had a feeble-minded sister. This child was 5 years old at the time of the investigation and was diagnosed as feeble-minded. She had a second illegitimate child, who died in infancy.

The second feeble-minded daughter of the weak-minded woman was once married, but had no children by this marriage. She had had seven illegitimate children by two different men, one of whom had a sister reported weak-minded. One of the seven children, a boy 12 years of age, was diagnosed feeble-minded. His half sister, who was found to be of doubtful mentality, had had an illegitimate stillborn child.

A first cousin of the weak-minded woman first described had a grandson, 15 years old at the time of the investigation, who was diagnosed feeble-minded, and three other grandchildren, who were retarded.

A family related by marriage to the weak-minded woman first mentioned had a heritage of insanity, alcoholism, and tuberculosis. One of the members of the family had five illegitimate children by five different men. Two of her children died in infancy. One of the children, whose father was alcoholic, was diagnosed as feeble-minded. This child, 13 years old at the time of the investigation, was being brought up by her maternal grandparents. Her first cousin on her father's side was a 19-year-old feeble-minded boy who had been unable to learn anything at school, but was getting along fairly well in the community. Two of his maternal uncles were insane; one of them was the father of a feeble-minded son, an 8-year-old boy, who had physical as well as mental defects. In another related family there was a man who was a low-grade imbecile. He had been an inmate of the county almshouse for over 35 years.

## **CHAPTER VI. SUMMARY OF FINDINGS AND PROVISION NEEDED.**

### **SUMMARY OF SOCIAL STUDY.**

This social study of mentally defective children in a rural, native-American population included 192 cases, or about 12 in every 1,000 children in the county between the ages of 6 and 20 years.

Fifty-eight per cent of the mentally defective children studied were not receiving physical care and support under favorable home conditions, were delinquent or uncontrollable, or were under the care of guardians unwilling or unable to continue to provide for them. The need for other provision in the immediate future was imperative in 35 per cent of all the cases studied.

Fourteen per cent of the children studied were unable by reason of their very low mentality or because of physical handicaps to attend to their own personal wants, and presented serious problems of physical care. Physical disabilities classed as serious existed in 34 per cent of the cases.

Only 78 per cent of the mentally defective children were living with their own families. Most of the remaining 22 per cent were living with relatives or in foster homes. Only four children were receiving institutional care, being inmates of the county almshouse.

Three-fourths of the children living in parental homes in which the fathers were the breadwinners belonged in families of low economic status, the fathers being farm tenants or unskilled laborers. The mothers of over one-fourth of the children living in their parental homes were gainfully employed all or part of the time.

The parents of 54 per cent of the white children and 71 per cent of the colored children living in their parental homes had insufficient means to provide adequately for their families. Although some of these families were giving fairly adequate care to their defective children, they were doing so with difficulty, and their poor economic condition made the future uncertain.

Fifty-three per cent of the children in their parental homes were living under unfavorable conditions. The percentage was higher for the colored than for the white. The large majority of these homes were classified as unfavorable because of the feeble-mindedness, illiteracy, or ignorance of the parents, combined in a number of cases with drunkenness and immorality. Extreme poverty with no other detrimental condition was rarely found.

Nineteen per cent of the mentally defective children studied had been removed from their own homes and placed in other families, in

the majority of cases in families not related to them. More than one-third of these children were living under unfavorable home conditions or with guardians unwilling to continue caring for them.

No special training whatever was provided in Sussex County for retarded or defective children. Lack of adaptation of school training to their capacities made it impossible for mentally defective children to derive benefits commensurate with the time spent in school.

More than two-fifths of the children 12 to 20 years of age were capable of doing independent work or good work under supervision, but this was made possible by the simple character of the industries of the county. All the work performed was unskilled, and was usually routine in character, requiring little initiative. Two-fifths of the children in this age group were capable of doing only very poor work under close supervision. Many of them undoubtedly would have been helped by industrial training to perform higher grades of work. That less than one-fifth of the children were incapable of doing any work or were able to perform only the simplest of tasks indicates great possibilities in industrial training.

Eighteen per cent of the mentally defective children had exhibited tendencies toward wrongdoing more or less serious in nature. Almost half these children were living in other than their parental homes. Many of the children in foster homes presented particularly serious problems of conduct. More than two-thirds of the children classed as uncontrollable or delinquent were living under unfavorable conditions or with guardians unwilling longer to provide for them.

In the families of 43 per cent of the children studied, other members of the immediate families had been diagnosed feeble-minded. The investigation revealed a large amount of intertwining of defect and degeneracy among certain family groups.

Eleven per cent of the mentally defective children in Sussex County were illegitimate. Most of the illegitimate children were colored. The mothers of one-third of the illegitimate mental defectives were also feeble-minded.

Although a majority of the mentally defective children living in their parental homes belonged in families whose incomes were inadequate, and a considerable number were living under conditions of extreme poverty, only a few of the families were known to have received charitable assistance. This is significant rather of the absence of available sources of relief than of the lack of need for aid.

The county almshouse is the only institution which can be used as a refuge by those who can not provide themselves with subsistence even under the most simple conditions. The almshouse is not adapted to the proper care of these cases and has not the legal control necessary to insure proper protection.

**CASES NEEDING CARE.**

This and other similar studies have shown that the mentally defective individual is often a social misfit "incapable of competing on equal terms with his normal fellows, or managing himself or his affairs with ordinary prudence."<sup>1</sup>

It is readily conceivable that an adult whose mind has not developed beyond that of a child is likely to come into conflict with social customs adapted to persons whose mental development is normal. It is also conceivable that children whose physical development far exceeds their mental growth may need different care and guidance from that required by normal children. The problem of the care of the mentally defective child becomes more complex the nearer he approaches adolescence. Even children who are mentally normal are in special need of watchful guardianship at this time of life. The burden on the family imposed by the care of a mentally defective child is necessarily greater and more prolonged than in the case of a child of normal mentality.

Home conditions are a fundamental consideration in determining need of care. The type of home, the economic status of the family, and the ability of the parents to give proper care and supervision are factors which must be taken into consideration. In this study a number of cases were found in which conditions were such as to require institutional care at the earliest possible moment. In other instances the situation required constructive work whereby unfavorable conditions would be removed or the family burden so lightened that the child could be given proper care in his own home. In many cases the parents were unwilling that their defective child be put in an institution, but they would have welcomed assistance in meeting the child's needs in the home.

The grade of mentality, physical condition, need of training, and industrial efficiency of the mentally defective individual must be considered in deciding what provision should be made for his care. Special schooling and special industrial training are needed for all except the lowest grade of mentally defective children.

Mentally defective children lack judgment and self-control and are easily led into wrongdoing. Many of them exhibit at an early age traits of character with a potential trend in the direction of conflict with the customs of society. A psychiatric examination often reveals such traits of personality, and the decision as to whether a given person requires institutional care is often dependent upon

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<sup>1</sup> Included in the definition of the term "feeble-minded" adopted by the American Association for the Study of the Feeble-minded. *Journal of Psycho-Asthenics*, March and June, 1911, p. 134. (See also Report of the Royal Commission on the Care and Control of the Feeble-minded, vol. 8, p. 224. London, 1908.)

the results of such examinations.<sup>1</sup> It is apparent that the problem of dealing with such cases is a medico-legal one, analogous to that involved in the care of the insane. For no other class of the mentally defective is the need for care and protection so urgent from the point of view of the public welfare as in the case of those who are offenders against the accepted standards of social conduct.

It is difficult to determine in advance of the establishment of a system of public care and supervision how many cases will require the various types of provision. The characteristics of each mentally defective child and the ability of the family to give proper care and training under favorable conditions must be taken into account.

#### KIND OF PROVISION NEEDED.

Although the second State to adopt State care of the insane, Delaware has not yet provided for the care of mental defectives, with the exception of appropriating a small sum yearly for the maintenance of 14 Delaware children in a Pennsylvania institution. In 1917 the legislature made an appropriation of \$10,000 for the establishment of an institution for the feeble-minded.<sup>2</sup> Under this act a commission of nine members was appointed by the governor, consisting of two members from each county and three at large. The commission was empowered to take the necessary steps toward establishing an institution, employing a superintendent, and making rules regulating the admission of feeble-minded persons.

With a field practically untouched, Delaware has an excellent opportunity to adopt a comprehensive plan for the care of mental defectives, taking into consideration conditions existing in the State, and utilizing to the fullest extent the experience of other States in dealing with various phases of the problem. The State covers an area of only 1,965 square miles, and therefore lends itself readily to a centralized system of care. However, the problem is complicated by the largely rural conditions which prevail outside of Wilmington. Except for the extreme northern section the population is scattered, means of communication are poor, and strongly individualistic tendencies prevail. Organizations for constructive relief work with families, and for dealing with problems of child welfare, do not exist in the central and southern sections, except as two or three child-caring societies, with headquarters in New Castle County, work into this region to some extent. The schools outside the one large city have no specialized work for subnormal children.

The primary feature of State care is the development of an institution adapted to the treatment of mental defectives of various grades.

<sup>1</sup> Treadway, Dr. Walter L.: "Some observations on the personality of feeble-minded children in the general population," in *Public Health Reports*, vol. 33, No. 20 (May 17, 1918), p. 760.

<sup>2</sup> Acts of 1917, ch. 172.

For those mental defectives who can not be given proper care and protection in the community, and for those who are a menace to society because of delinquent tendencies, institutional care is essential. An institution does not wholly meet the problem unless it is the focus for various activities concerned with the mentally defective. The modern type of institution includes a custodial department for the low-grade cases demanding constant care and attention, a school department for the development of the capacities of the mentally defective to the fullest possible extent, an industrial department for training the patients in productive activities and for directing them in work necessary to the maintenance of the institution, and a farm or farm colony. Agriculture is particularly adapted to the capacity of the higher grade mental defectives, providing an opportunity for the fullest measure of self-support of which they are capable. The cost of maintenance of an institution can be greatly reduced if the inmates raise their own stock and farm and garden produce under competent direction.

Many mental defectives for whom it is necessary to provide institutional care and training may be helped to become capable of work outside the institution under supervision similar to that used in parole systems. Since agriculture is the principal industry in central and southern Delaware, the possibilities of training for farm work under supervision are particularly promising. The investigation in Sussex County brings out the great need that exists for increasing the efficiency of the mentally defective boys and girls who are in so great a proportion of cases living under conditions of economic stress.

A system of extension work may be planned to include a series of clinics for mental examination throughout the State held by the institution psychiatrist in cooperation with local agencies, and an out-patient department through which certain types of mental defectives may be given proper care and training in their own communities. Determination of mentality is essential to classification of children in school, and to proper treatment of dependent and delinquent children. Through supervision in the community the expense of institutional care to the State can be reduced and greater justice done to defective individuals and their families.

In considering the practicability of giving certain mental defectives adequate supervision in the community, the need for special legal protection for these socially incompetent persons is not to be lost sight of. All the States have recognized the fact that children can not be held responsible for wrongdoing to the same degree as adults, and that the law must give children special safeguards. Feeble-minded persons of any age have the mentality of children, and are in as great need of protection. With few exceptions the States have

fixed the age below which the consent of a girl to an immoral act is not recognized, and the man is therefore subject to a very heavy penalty. In the majority of the States, this age is 16 or 18; in one State, it is 21. Some of the States have set down the analogous legal principle that an insane or feeble-minded woman of any age is to be classed with children in this regard.<sup>1</sup> A provision somewhat similar in intent is that prohibiting marriage with an insane, idiotic, or feeble-minded person.<sup>2</sup> The greater number of the States have such a clause in their statutes, though many, among them Delaware,<sup>3</sup> by the terminology used, probably include only the lowest grade feeble-minded. These laws are of the greatest importance, not only from the point of view of safeguarding the feeble-minded themselves, but also from eugenic considerations. Supervision of mental defectives in the community can be effective only if legal means can be devised of preventing the increase of defective stock.

The training of mentally defective children who remain in the community can best be given through special classes in the public schools, or in special schools where the instruction is adapted to their needs. In the rural sections the problem of providing such training is a difficult one. In the consolidated schools, which are beginning to be established in the State, and in towns of any size, special classes would be entirely feasible. In connection with the possibilities of training and supervision for the mentally defective, it is of interest to note the work that has been done in Delaware in connection with the education and supervision of the blind.

With a comprehensive program combining mental examinations, special classes, and supervision in the community, with institutional care and training, the early recognition of mental defect and the proper treatment of individual cases will be possible. By this means the needs of all types of mental defectives may be met with justice to themselves and their families, and the interests of society safeguarded.

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<sup>1</sup> See for example *Laws of Indiana*—Burns, *Annotated Statutes*, 1914, sec. 2250; *Massachusetts Revised Laws*, 1902, ch. 212, sec. 5, as amended by 1913, ch. 469, sec. 3; *Connecticut, General Statutes, Revision of 1902*, secs. 1354-1358.

<sup>2</sup> *A Summary of the Laws of the Several States Governing I.—Marriage and Divorce of the Feeble-minded, the Epileptic and the Insane.* Bulletin of the University of Washington No. 82, May, 1914.

<sup>3</sup> R. C. 1915, sec. 2992.



## **GENERAL CONCLUSIONS.**

The following conclusions are based upon the results of this study. Sections 1 to 9, inclusive, have been furnished by the Public Health Service; sections 10 to 17, inclusive, are based on the findings of the social study.

1. A study of social and moral reactions is not sufficient to determine mental defect, but should always be supplemented by a medico-psychological examination.

2. The percentage of mental defectives in the white school population of the rural county studied, which is practically untouched by foreign immigration, parallels that observed in a similar group in a rural county receiving a heavy foreign immigration.

3. In this county the percentage of feeble-mindedness among white males in both the school and general populations from 5 to 20 years, inclusive, is greater than that among white females. This corroborates previous observations made by the United States Public Health Service in regard to school populations.

4. The percentage of mental defect among colored school children in this county is greater than that observed among white school children.

5. The practice of placing out dependent children in communities tends to increase the percentage of mental defectives in the school population, unless regulations are in force preventing the bringing into the State of defective children from other States.

6. Almshouses are not suitable places for the care of mentally defective persons.

7. In Sussex County the percentage of feeble-minded among white school children was practically the same as in the white general population between the ages of 5 and 20 years, inclusive.

8. In Sussex County the percentage of feeble-minded in the white general population of all ages was at least half that in the white school population.

9. The problem of the care of mentally defective persons is neglected and generally little understood in rural counties in States making no provision for the care of such persons.

10. The State must make provision for mentally defective children whose families can not give them the care and protection necessary, and for those who, by reason of lack of self-control or tendencies toward delinquent conduct, constitute a menace to the community.

11. For many mentally defective persons, institutional care is essential.

12. For certain classes of mental defectives institutional care is not necessary, if a system of supervision and training in the community can be provided.

13. The characteristics of each mentally defective child and the ability of the family to give proper care and training under favorable conditions determine the kind of care needed.

14. The placing of dependent feeble-minded children in family homes is most undesirable, unless the child and the family are protected by constant and careful supervision.

15. The training of mentally defective children must be adapted to their needs and possibilities of acquirement.

16. The higher grade mentally defective children are capable of doing simple routine work, and may be trained to become more efficient and at least partially self-supporting.

17. Public protection demands recognition of the relation between defective mentality and pauperism, degeneracy, crime, alcoholism, and other forms of social ills.



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U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU  
JULIA C. LATHROP, CHM

APRIL 6  
1918

CHILDREN'S YEAR

APRIL 6  
1919

# BACK-TO-SCHOOL DRIVE

*"That no boy or girl shall have less opportunity  
for education because of the war."*

WOODROW WILSON



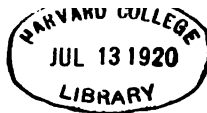
CHILDREN'S YEAR LEAFLET NO. 7  
Bureau Publication No. 49

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PREPARED IN COLLABORATION WITH THE  
CHILD CONSERVATION SECTION OF THE FIELD DIVISION  
COUNCIL OF NATIONAL DEFENSE



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1919



*The Bureau*

April 6  
1918

CHILDREN'S YEAR.

April 6  
1919

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# Back - To - School Drive

"That no boy or girl shall have  
less opportunity for education  
because of the war."

WOODROW WILSON

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Boys and girls, be patriotic! Enlist in a school to-day!  
Stay in school and train for the future!

This is the message which the Children's Bureau of the United States Department of Labor and the Child Conservation Section of the Field Division of the Council of National Defense are sending to the army of children in the United States.

## INCREASING NUMBER OF CHILDREN LEAVING SCHOOL.

Reports from all parts of the country indicate that an increasing number of boys and girls are leaving school for work. Although the work usually offers no training and slight prospects of future employment, the children are attracted by the extraordinarily high wages. The boys and girls themselves fail to realize that the present wage standards are the result of an abnormal condition and that after the war the untrained worker will have a minimum industrial value. Then as never before in its history, the United States will need trained and intelligent men and women to grasp the opportunities of the future.

In the words of the French minister of public instruction: "Double will be to-morrow the task of the pupils of to-day; twice as intense, therefore, should be their preparation for this task. \* \* \* Therefore, more than in time of peace, we should fight now against the obstacles in the way of school attendance. \* \* \* We must all do even the impossible in order that the children who will replace to-morrow the generation mowed down by the war may be perfectly well prepared for the duty imposed on them by the sacrifice of their elders."

It is necessary to prevent now the reckless squandering of our most precious possession—the children of our country. It is most important, then, that the exodus of the boys and girls from the high and

elementary schools be checked if the United States is to meet the obligations it is now assuming.

The administration in Washington that is responsible for the conduct of the war has expressed the opinion time and again that there should be no falling off in school attendance because of the war. President Wilson, in a letter to Secretary of the Interior Lane, says: "That, in so far as the draft law will permit, there should be no falling off in attendance in the elementary schools, high schools or colleges, is a matter of the very greatest importance, affecting both our strength in war and our national welfare and efficiency when the war is over." He then urges that the people support generously their schools of all grades and adapt them as wisely as possible to the new conditions "to the end that no boy or girl shall have less opportunity for education because of the war and that the Nation may be strengthened as it can only be through the right education of all its people."

Secretaries Baker and Daniels point out that "so far as the Army and Navy are concerned, there is nothing more important than that the schools can do than to keep going at full capacity." Secretary Wilson says: "The children are our last reserves. There may come a time, if the war is long continued, when it will be necessary to lower the standards that govern the employment of young children in industry. That time, however, is not yet here. Until it arrives—and may it never do so!—the place of children is in school. There they will receive the equipment that they must have in order to do well the work of reconstruction that will be their task after the great war is over. If we are not to go down to defeat in the battles of peace, we must have an army of reserves who are strong in body, well trained in hand and mind. It is the children who are in school to-day who will see to it that their fathers and brothers who have fought and died in this war have not fought and died in vain. We must keep them in school and see that they get there the equipment they need for the work that is before them."

P. P. Claxton, Commissioner of Education, says:

"There are before us now as a people just two tasks: To win the war for freedom and democracy and, let us hope, for a righteous and permanent peace; and to fit ourselves and our children for life and citizenship in the new era which the war is bringing in. Both these tasks must be accomplished thoroughly and well, at whatever cost of money and effort and whatever sacrifice of ease and comfort may be necessary.

"When the war is over the call for men and women trained to help rebuilding the world will be insistent. To that end our schools must be kept going and our children must be enabled to avail themselves of

the opportunities they offer. The men and women behind the lines can find few opportunities for patriotic service that are more important than that of making possible the best and fullest education for the boys and girls who are to 'carry on' in the future."

For these reasons the Children's Bureau of the United States Department of Labor and the Child Conservation Section of the Council of National Defense are asking the local child welfare committees to aid in keeping the school attendance up to standard and to urge the enforcement of the child labor and school attendance laws throughout the country. The standards which we set up in peace times should be even more closely adhered to in times of war if the youth of our Nation are to be protected.

### **CHILD LABOR NOT NEEDED IN ESSENTIAL WAR INDUSTRIES.**

In some parts of the country, however, exemptions from school attendance have already been made and because of the war, with the demand for labor and the high cost of living, there has been a tendency to lower standards. But it does not yet appear that children are needed in industry, even to secure the maximum output of war necessities. On July 12, 1918, the War Labor Policies Board, composed of representatives of all the departments of the Government directly concerned in the prosecution of the war, ruled that, through provisions contained in all contracts made by the Government, no child under 14 years of age should be employed on war work and that no child between 14 and 16 should be employed on war work for more than 8 hours a day, or more than 6 days a week, or before 6 a. m. or after 7 p. m. In the opinion of the departments immediately responsible for the conduct of the war, child labor does not promote the sustained efficiency in production which is necessary to keep the Army and Navy supplied.

This action means that the Government will not aid in placing even in essential war industries children who ought to be in school.

The United States Boys' Working Reserve at the third national conference firmly determined to safeguard the educational standards of the United States despite the temptation to throw the splendid boy power of the nation into industry without thought of future consequences. The Boys' Working Reserve refuses to give Federal recognition to boys employed on farms or in industry who are under 16 years of age. It maintains that children under 16 should be kept in school by all the pressure that can be brought to bear, on the ground that the future welfare of the nation depends on the educational training of its youth.

During the coming year the Boys' Working Reserve will provide junior counselors in the local branches of the United States Employ-



ment Service whose first duty will be to make an effort to return to school boys under 16 who apply for positions. If argument fails and the boy insists on going to work, the counselor will urge that he take only a position that is well suited to his future development. The counselor will also arrange, if possible, for the boy to take up a continuation course of study suited to the applicant's capabilities.

The Director General of the United States Employment Service, which is mobilizing the labor power of the country, has sent the following order to the Federal directors of all the branch offices of the United States:

The policy of the United States Employment Service is to discourage all children under 16 years of age from leaving school to enter industry.

In the placement of any child this service will conform to the Federal regulations with regard to the employment of children. In States where the age and hour standards prescribed by State laws are higher than Federal standards the policy will be to conform to the requirements of the State law.

In placing children in industry every effort must be made to place them in suitable positions and to investigate the conditions under which they will work.

(Signed) N. A. SMYTH,

*Assistant Director General, U. S. Employment Service.*

## **CHILD LABOR IS NOT NEEDED TO KEEP THE NONESSENTIAL INDUSTRIES GOING.**

Shall we allow the children to be sacrificed to keep the nonessential industries going? The Government makes no concession to non-essential industries. It gives the first claim on all raw material, on fuel, and on labor to those industries that are necessary to carrying on the war.

The Government can not afford to use men in the making of non-essentials, for men are needed for the successful conduct of war; and it can not afford to use children, for children are needed in the future to turn to account the victory for which we are fighting.

As a great English labor leader has said: "To those who say that an abundant supply of cheap juvenile labor is necessary to industry, we answer, 'Hands off the children. They are the nation of the future.'"

## **IS CHILD LABOR NEEDED FOR THE SUPPORT OF THE FAMILY?**

There are some persons who think that child labor is necessary for the support of the child or his family. But the earnings of a child who goes to work are in the long run a loss rather than a gain.

Premature work means a sacrifice of education, of health, and, as a result, of future earning capacity. No community can afford to rely upon its children to support widowed mothers or the invalid or

the unemployed fathers. Not as a charity but in justice to the child and to the future welfare of the nation, the community and not the children should assume this responsibility. Until the problems of poverty are adequately met by higher wages, by widows' pensions, or by other public provision, individual cases of special need will have to be cared for locally.

### EXPERIENCE OF FRANCE AND ENGLAND.

England allowed her child labor and school attendance laws to break down just after the outbreak of the war, and children were excused from school in large numbers to work on farms, in mills, and factories.

Mr. Herbert Fisher, president of the British board of education, in speaking of the situation in England, says: "At the beginning of the war, when first the shortage of labor became apparent, a raid was made upon the schools, a great raid, a successful raid, a raid started by a large body of unreflecting opinion. The result of that raid upon the schools has been that hundreds of thousands of children in this country have been prematurely withdrawn from school, and have suffered an irreparable damage, a damage which it will be quite impossible for us hereafter to adequately repair."

The long hours and unsuitable conditions began to cripple the health of the children. The habit of shifting from one job to another, which is always one of the worst enemies of the child worker, greatly increased as a result of war conditions. The abundance of work and the abnormally high wages offered gave boys and girls a feeling of independence of restraint and induced habits of mischievous extravagance.

The chief medical officer of the board of education of Great Britain in his annual report makes the following statement:

"The increase in the employment of children has demonstrated beyond all question of doubt that many boys and girls are being spoiled physically, mentally, and morally—

"(a) By their too early enlistment in the ranks of the employed;

"(b) By lack of guidance in the choice of occupations suited to their physical and mental capacity; and

"(c) By inadequate opportunities to secure skilled training; and by insufficient safeguarding and husbanding of their physical powers and resources.

"However slight or temporary may appear to be the direct physical injury arising from such employment at the present moment, it is difficult to escape the conclusion that the State is incurring a grave responsibility if it permits widespread employment of young people without adequate safeguards."

Our allies soon realized that children who leave school early to enter employment are "as assuredly maimed for all time" as the men who return wounded from the trenches; that the work they contribute in the fields and factories can not compare in importance with the education of the children. Steps have been taken in France and England not only to restore the restrictions in force before the war, but to raise the standards for the protection of the working child.

In August, 1918, the English Parliament passed the new education bill known as the Fisher bill. Mr. Fisher, in introducing this bill, said: "Economy is in the air. We are told to economize in our expenditures and foodstuffs. I suggest that we should economize in the human capital of the country—our most precious possession, which we have too long neglected." He later says: "We do not want to waste a single child. We desire that every child in the country should receive the form of education most adapted to fashion its qualities to the highest use."

The new English law requires that no child shall be exempted from school under 14 years of age, or before the end of the school term in which he becomes 14. The local educational authorities are given power, on the report of the school medical officer, to prohibit the employment of a child in an occupation which is detrimental to the child's physical development. The law further provides that all employed children between 14 and 18 years of age shall attend school 320 hours per year. For the first seven years after the law takes effect the compulsion is to apply to working children between 14 and 16 to attend continuation schools on the employers' time. After that period of time children between 16 and 18 years of age will automatically come under the act. This provision of the law will insure that the influence of the school will remain in the child's life during four critical years of adolescence, and that during those four years he will be under constant medical supervision. The law protects not only the city child, but also the rural child, who in this country has never enjoyed the protection of the child labor laws. Although this law does not go into effect until after the war, it is perhaps the greatest advance which could have been made at a single step.

In France the schools are being kept up under the very fire of guns. M. Forsaut, the inspector of schools in France, when advised that it was not wise to open schools in cities under bombardment, said: "So long as there are pupils, even if no more than a hundred, there ought to be schools, not only to enable the children to continue their studies, but to protect them against the dangers of the streets." The "schools of war," as they are called, were opened even within 1,200 meters from the enemy lines in order that the children of France might not be deprived of their education. The sessions are held in

champagne cellars and dugouts which offer almost absolute security. Ventilation is made possible by means of holes bored at intervals in the ceilings and communicating with the outer air; kerosene lamps furnish the necessary light. A recreation and gymnasium room is provided. The teachers attempt to decorate the rooms as best they can with pictures and flags. Often the teachers are obliged to live in the cellars as do also the children, so near are the enemy lines and so frequent the bombardment. Within a few months 16 such schools were opened near the fighting line, with an enrollment of 2,000 children. In these strange schools the children, who come sometimes from a considerable distance without thought of the danger, sing and recite their lessons under the constant threat of the enemy guns.

France has been especially concerned about the training of her rising generation. A vocational education bill is now pending which not only insures to all pupils some sort of preparation for their future work, but requires of all children who are past the age at which full-time attendance is compulsory part-time attendance at a continuation school.

The English and French have set us the example of unusual efforts in behalf of education. The new standards which have been set by the English and are being set by the French should enable us to attack the problem of child labor and education with a new inspiration. It is surely possible in this country to do as much or more than has been done in France and England where the pressure of war is greatest.

The Back-to-School Drive carried on by 11,000,000 women in the United States should undoubtedly help toward better enforcement of the child labor and compulsory education laws throughout the country; it should give wide publicity to the requirements of these laws and point out wherein the weaknesses lie; it may be expected to lead to better legislation in behalf of the school child and the working child.

U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, Chief

APRIL 6  
1918

*Children's Year*

APRIL 6  
1919

21  
Suggestions to Local Committees  
FOR THE  
Back-to-School Drive

CHILDREN'S YEAR LEAFLET No. 8

Bureau Publication No. 50

PREPARED IN COLLABORATION WITH THE  
CHILD CONSERVATION SECTION OF THE FIELD DIVISION  
COUNCIL OF NATIONAL DEFENSE





*The Bureau*

April 6  
1918

# *Children's Year*

April 6  
1919

## Suggestions to Local Committees

FOR THE

## Back-to-School Drive

In the Back-to-School Drive the Child Welfare Committees are asked first of all to make an effort to return to school those girls and boys who left school in June and who failed to return after vacation. Many of these children took out employment certificates or vacation permits intending to work only through the summer and to return to school in the fall, but the high wages have been an inducement for them to remain at work. These children with a little encouragement might be persuaded to continue their education. This leaflet gives concrete suggestions concerning the work to be done in the Back-to-School Drive. Other leaflets will describe constructive measures that may be developed to safeguard children.

### PLAN OF ORGANIZATION

A. Each State Chairman should appoint a sub-chairman on School Welfare who will appoint her county chairmen at once.

Chairmen should be careful, in inviting persons to join the School Welfare Committees, that all the members are:

1. Acquainted with school problems;
2. Sufficiently tactful to make themselves welcome in the homes where they introduce themselves, and sufficiently persevering to get the information which is certain to be of valuable assistance to local school authorities and labor authorities.

B. Each County Chairman on School Welfare should proceed as promptly as possible to see the County School Superintendent and ask him:

1. To furnish her a list of the schools in her county;
2. To ask each principal in the county to request the teachers of his school to prepare lists of the names of the children who have failed to return to school after the vacation.

C. The County Chairman should notify the chairman in each of her units of organization to form as many local committees as will be required to provide a committee of five for each school in the community.

D. When the committees are formed, each School Welfare Committee should proceed to get from the principal of the school to which it has been assigned, the names of the children who did not return after the vacation.

E. The members of each committee should then visit every absentee child.

### RECORD CARDS

Each visitor should take with her a card on which to record the facts that will explain the reason why the child is not at school. Cards similar to that reproduced below will be furnished by the Children's Bureau of the United States Department of Labor. The details of distribution will vary somewhat according to the State organization. Each local School Welfare Chairman should secure information as to the method used in her State from her State Chairman.

## SPECIMEN CARD

School .....	Grade .....	Date .....
Name of child .....	Date of birth .....	
Address .....	Name of parent .....	
Reason for not returning to school: .....	Earnings needed .....	Dissatisfaction with school .....
High wages offered .....	Indifference of parents .....	Other reason .....
Is child at home or at work? .....		
If employed .....	Name of firm .....	Address .....
What kind of work is child doing? .....		
State specifically .....		
Has child an employment certificate? .....		
State if he is working on vacation permit .....		
Ages of other children under 16 employed: .....		
Result of visit: .....		
Will child return to school? .....		Under what conditions? .....
Follow-up work done, with dates: .....		

(Further space for remarks on reverse side of card.)

When the card is filled out the information on it should show where there is laxity in the enforcement of child labor and school attendance laws. Most of all, it should enable each community to see to it that every child gets the schooling necessary to his success in life.

## CHILD LABOR AND SCHOOL ATTENDANCE LAWS

It is quite necessary that the local committees should be familiar with the requirements of the child labor and school attendance laws of their State if they are to do effective work and assist in the enforcement of these laws. Copies of the laws may be secured from the State labor department or the factory inspection office.

These laws are the first essentials in the protection of children and every effort should be made to enforce them.

## COOPERATION

It cannot be too strongly emphasized that the Back-to-School Drive is a co-operative effort and does not depend upon authority. The cooperation is between the Children's Bureau of the United States Department of Labor and the Child Conservation Section of the Council of National Defense and all the State and local committees on the one hand, and the parents and children on the other. The interest and the duty of all are alike. With tact and perseverance on the part of the local committees, there is no limit to the help that can be given in aiding the usefulness of schools and in making clear to parents and children the practical value of schooling. Any information which members of the local committee may get concerning the children should be turned over to the school authorities to aid them in taking the proper action in cases of violation of the school attendance laws.

The question may arise whether it is not the place of the school attendance officers to visit the homes and get the children back to school. In many communities the number of school attendance officers is inadequate to do this work and any assistance which the local committees may give will supplement and not duplicate the work of the attendance department. The attendance officer, moreover, is usually concerned with returning to school only those children of school age who are not employed. The majority of the children who will be visited by members of the committees are those who are not ordinarily followed up by the attendance officer. A friendly caller may often be more successful in winning the confidence of these children and persuading them to return to school than the school attendance officer who enforces the law.

In order to assist in the enforcement of the child labor laws of the States, the local committees should also cooperate with the State factory inspection office and refer to that department any violations of the child labor law that may come to their attention.



## HOME VISITING

When the visitor goes to the home she will in all probability have some information from the school concerning the child. The visitor should introduce herself as coming not only from the State Council of Defense but also as coming from the school. The success of the visitor depends upon her tact and the friendly relation she is able to establish with the parents. In talking to the parents about the importance of keeping the children in school at this time and the advantages of an education the following points may well be brought out:

1. The burdens and responsibilities of the next generation fall upon the boys and girls of today. Consequently, the nation is interested in seeing to it that all boys and girls remain in school and get the best possible training in order to prepare for the work they will later be called upon to do. President Wilson, in a letter to Secretary of the Interior Lane, assures the young people that "by pursuing their courses (in school) with earnestness and diligence they also are preparing themselves for valuable service to the nation," and that "after the war there will be urgent need for a high average of intelligence and preparation on the part of all the people."

Perhaps nothing has been brought to our attention which shows as clearly the necessity for keeping our boys and girls in school at any cost as the facts brought out by the war regarding illiteracy among our drafted men. There are 700,000 men registered for army service who can not read or write. In the second registration it is estimated that the number will be increased to 2,000,000.

"They can not sign their names.

"They can not read their manuals of arms.

"They can not read their orders posted on bulletin boards.

"They can not understand the signals or follow the signal corps in time of battle."

An uneducated man does not make a good soldier; he does not make a good citizen.

2. The present high wages are temporary and should not be used as an excuse for allowing any boy or girl to leave school for work. In most cases the work the child is doing requires no preparation and little skill; it is not educative and the boy or girl is not learning anything that will be of use to him in later life. A steady job with prospects of advancement and increased wages requires school training.

The following table has been prepared by the United States Bureau of Education. It compares the wages of children who left New York City schools at 14 years of age with those who left at 18 years of age.

Earnings per week of children  
who left school at 14, the end  
of grammar school

	Age
\$4.00	14
4.50	15
5.00	16
6.00	17
7.00	18
8.50	19
9.50	20
9.50	21
11.75	22
11.75	23
12.00	24
12.75	25

Total salary till 25 years  
of age, \$5,112.50

Earnings per week of children  
who left school at 18, the end  
of high school

.....
.....
.....
.....
.....
\$10.00
10.75
15.00
16.00
20.00
21.00
23.00
31.00

Total salary till 25 years  
of age, \$7,337.50

At 25 years of age the boy who had remained in school until 18 had received over \$2,000 more salary than the boy who left at 14, and was then receiving over \$900 a year more.

This is equivalent to an investment of \$18,000 at 5 per cent. Can a boy increase his capital as fast any other way?

From this time on the salary of the better educated boy will rise still more rapidly, while the earnings of the boy who left school at 14 will increase but little.

Although the wages paid now are much higher than when this study was made, the comparison remains the same.

3. Premature employment often cripples health and decreases the efficiency of the worker or makes him entirely unfitted for work in later life. An increasing number of employers throughout the country are requiring every applicant for a job to undergo a thorough medical examination in order that the employer may hire none but those who measure up to a high physical standard.

As a result many adults are rejected on the labor market because of physical unfitness. The physical examination given throughout the country to two and one-half million men to determine their fitness for service in the army resulted in the rejection of one-third. Many of these men were rejected on account of physical deficiencies that had their origin in childhood. Children must be protected from the strain of overwork if they are going to be an asset to the nation, in peace or in war.

4. The patriotic duty of all parents is to keep their children in school that they may build up strong, healthy bodies and prepare themselves for the useful and happy lives to which they have a right.

### THE ENCOURAGEMENT OF SPECIAL TRAINING

Local School Welfare Committees should at once acquaint themselves with the opportunities for special training open to children in the schools. Often parents take their children out of school because the work the child is doing in school seems to have little relation to the work he will do in later life. In many communities there are vocational, technical, industrial, and trade schools which offer courses in printing, machine and electrical work, carpentry, mechanical drawing, dressmaking, millinery, design, home economics, and the like, but parents often have little information about such schools and the courses they offer. If they knew about them they might be willing to send their children to school for special training. There is great need of spreading abroad full knowledge of the opportunities for training in our public schools and for increasing those opportunities.

If there are no vocational schools in the community the local committees, as part of the Back-to-School Drive, may be able to interest the school authorities in starting such schools. That the Federal Government sees the need for more vocational education is shown by the establishment of the Federal Board for Vocational Education under the Smith-Hughes Act. The Government will give financial assistance, dollar for dollar, to any State that will provide approved instruction in subjects related to agriculture, trade, industry, and home economics.

### SCHOLARSHIPS

The visitors may come across children who can not return to school because their earnings are needed at home.

Scholarship funds to keep needy children in school after the legal age for working is reached have been established in an increasing number of cities and should be encouraged in every community. The purpose of the scholarship is to keep children out of industry and give them at least two years of additional training beyond the compulsory school age in order that they may become more useful citizens. We have long favored the giving of scholarships in our colleges and universities to young men and women who could not continue their education without such assistance. Scholarships in elementary and high schools will lay the foundation for perhaps a greater addition to national power.

A special leaflet on "Scholarships for Children" suggesting how such work may be conducted is being prepared for the use of those committees who are interested in starting this work in their communities.

### HOW THE RED CROSS WILL HELP KEEP CHILDREN IN SCHOOL

Many children have left school for work and more will be leaving because their older brothers have enlisted in the service or have been drafted. As a war emergency the Home Service Sections of the American Red Cross are keeping such children in school by giving adequate financial assistance to the families.

In the American Red Cross Manual of Home Service the importance of keeping children in school is emphasized. It further states: "Children who have been removed from school and put to work to meet a shrinkage in the family income are being returned to school promptly as soon as Home Service is called in. There is danger that other children may be kept out of school even after the Government's family allowance makes their return easy, unless attention is given to insuring this return. The right adjustment might be made in every case by seeking information from those schools in which instances of withdrawal are known. One Home Service Section is making special provision to keep children between 14 and 16 in classes where they will receive a good preparation for earning their living later. Another is taking children out of 'blind alley' occupations and providing special aid to give them training for better work."

The Children's Bureau has been authorized to state that the Home Service Sections will consider it a favor if the local School Welfare Committees refer to them children who should be in school but who are working because some member of the family has gone to war.

### CHECKING UP WITH THE SCHOOL CENSUS

It may be possible for the local committees to check the school census with the school enrollment to find out whether all children of school age are in school. Those children who are not attending school should be followed up and returned to school.

Another method of checking with the school census is that used in one city last year. A list was made of all children who had been reported in the school census as being employed, and the names of the employers for whom they were working were also recorded. This list was checked up in the office that issues employment certificates to see whether all the children were legally employed. It was found that over 500 children were not in school and had no employment certificates. This list was given to the Child Welfare Committee of the Consumers' League for further investigation. Out of 395 children followed up in the places of their employment, 343 were working in violation of the child labor law. This was a far-reaching educational campaign and has resulted in the better enforcement of the child labor laws during the past year. In this same city a scholarship fund was established last year to aid in keeping children in school.

### DIRECTIONS FOR FILLING OUT RECORD CARDS\*

Care should be taken to fill out every space on the card which requires an answer. The name of the school, the grade, the name and address of the child may be filled out at the school. Before calling on the parent the visitor should have clearly in mind the additional information she wishes to get in the child's home. If possible, she should wait to fill out the card until after she has left the home.

#### *Reason for not returning to school.*

In recording the reason for the child's not returning to school one of the reasons indicated on the card should be checked; or, if he left for some reason not specified, name it in the space above the words "Other reason."

#### *If employed, name and address of firm.*

It will not always be possible to get from the parent the address of the employer, and sometimes not even his name can be learned. In reporting cases of violation of the child labor law it is, however, necessary to have this information, and consequently every effort should be made to get it.

#### *What kind of work is child doing?*

This should be stated specifically, such as "Errand work," "Packing," "Riveting," "Running a punch press," etc.

#### *Has child an employment certificate?*

In some States vacation permits are issued for summer work. In other States, before a child is allowed to work even during vacation, he must have the same sort of employment certificate as is issued to children who intend to work permanently. Indicate on which form of certificate the child is working. If he is employed on a vacation permit while the schools are in session he is working in violation of the law, as this permit is good only for vacation time.

#### *Ages of other children under 16 employed.*

If there are other children in the family employed who are under 16 years, state their ages. A separate card should be made out for each of these children. Pin all of the cards together for the children in the same family.

#### *Result of visit.*

##### *1. Will child return to school?*

Answer "Yes" or "No."

##### *2. Under what conditions will he return?*

Indicate what adjustment was made in order to return the child to school.

Some children may not be able to return to school unless a scholarship is provided. In the case of the child who has a brother or father in the military forces, it may be necessary for the Red Cross to give assistance in order that the child may continue his schooling. Sometimes better employment with higher wages may be found for an older member of the family, or the child who

\*See form given on page 4.

is dissatisfied with school may consider going to one where he can get more special training.

*Follow-up work done, with dates.*

The results of further work for the child and of subsequent interviews with parents may be written on the reverse side of the card.

The record card should be retained in the community and the information made available to the school authorities.

## PUBLICITY

It is important to enlist the sympathy and interest of large numbers of people if the Back-to-School Drive is to be successful. It is especially necessary to reach the parents of school children. The following methods of publicity are suggested:

1. Meetings held in the schools for the parents and teachers at which the importance of school attendance is discussed.
2. Talks given to the children in the schools impressing upon them that it is their patriotic duty to remain in school and train for the army of workers which the country will soon need.
3. Essays written by the children on "Why boys and girls should stay in school during war time," "Training for the future," and similar topics.
4. Talks given in moving picture shows by the Four-Minute Men.
5. Child labor and school attendance laws discussed at club meetings.
6. Articles in local papers. (These will be furnished from time to time by the Children's Bureau.)
7. Use of posters and slogans.
8. Distribution of information regarding State child labor law.

Wide publicity should be given to the child labor and school attendance laws. A large percentage of violations of our child labor laws is due to ignorance of their provisions. This is true in city and rural districts.

A campaign to inform the public, particularly employers of children, regarding the main features of these laws would be productive of great good. A leaflet giving an abstract of the State child labor law in simple form can be printed locally. This should be submitted to the authorities enforcing the law for correction. The leaflets may then be distributed in factories and stores. A supply should also be sent to the schools and each child leaving school should be given a copy.

9. An exhibit with the use of statistical material and photographs representing conditions in the vicinity under which children work. In such an exhibit the needs of the children should be emphasized showing that better laws are necessary for their protection, and that more adequate training is necessary for labor efficiency.

## FURTHER WORK FOR THE SCHOOL WELFARE COMMITTEES

The Children's Bureau will furnish suggestions on constructive work that may be developed by the committees in cooperation with existing civic and social organizations. Such work includes:

1. Scholarships to keep children in school.
2. The visiting teacher as a remedy for truancy and non-attendance.
3. The employment certificate system and the safeguarding of the compulsory attendance period.
4. Safeguarding the health of children in industry.
5. Advising children leaving school for employment in their choice of occupation, and supervising the working child.

While it will be impossible for every State to follow the entire program almost any State will be able to carry out at least one of these suggestions for follow-up work.

In one State the Committee on Women and Children in Industry this year employed an experienced person to travel through the State and assist the local committees in working for a more uniform system of issuing employment certificates, better enforcement of the school attendance law and in carrying out some of the suggestions mentioned above.

It is suggested that all State committees look toward Child Labor Day, January 26, as the climax in the Back-to-School Drive when reports will be made on what each State has done for the better protection of its school children and working children.











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